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House of Representatives

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

(Continued)

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Colorado (Ms. DEGETTE).

(Ms. DEGETTE asked and was given permission to revise and extend her remarks.)

Ms. DEGETTE. Mr. Speaker, historians note that those who are in the middle of history often do not themselves recognize it. Today should not be about polls. Today should not be about the upcoming November election, and even today should not be about the serious matter of sexual misconduct. But with all due respect to my friends, that is exactly what today is all about.

This is only the third time in the history of this country that we are talking about opening impeachment proceedings against our President, and I am shocked at how many people, including some in this chamber, take this serious matter so lightly, even gleefully. We are witnessing a stampede to justice, my friends, and like so many stampedes, when the trail dust settles, we will leave chaos and we will leave ruin.

This is a time for statesmanship. Each one of us must independently assess the best direction for this House and this country, and I will say it is not an open ended, never ending, witch-hunt without any limits. We need to carefully consider the Starr report. We need to set a guideline and then we need to move forward with the serious, serious business of this country.

Mr. Speaker, the House is about to decide whether to exercise one of the most grave constitutional steps within our power: hearings concerning the impeachment of the President.

This is the most serious decision we can make, next to a declaration of war. It is legislative, moral, and civic duty to caution the House to carefully weigh this dangerous, perhaps necessary step.

Like so many of you, my political conscience was formed during the Watergate scandal and I applauded the Supreme Court's ruling in *U.S. versus Nixon* that the President "is not above the law." The President, whoever he or she may be, is not above the law.

But my political conscience was also informed by reading "Profiles in Courage," where John Kennedy, who well-knew the passions that govern partisan political discourse, discussed the failed attempt to impeach President Andrew Johnson. Johnson was saved from impeachment by the courageous actions of several senators who withstood the deep and intense partisan public hatred of a president attempting to unite a divided country. Most historians would agree that the impeachment of Johnson would have been a constitutional, economic, and political catastrophe. In fact, the partisan bickering, motivated by the hope of political advantage, was a dark, shameful moment in American history which affected the national agenda for decades afterwards; a moment we may soon repeat if we do not learn from our history.

This is the time to ask what actions will best serve our country. Hasty decisions in a mentality will not serve the interests of our constituents. Frankly, I have heard little about the long-term consequences of an impeachment hearing, especially if we ultimately decide not to impeach the President. The Watergate scandal undermined the institutional authority of our political system for a generation. Therefore, we must carefully weight what we do now, because it will have consequences for at least a generation to come. Yes, we have a President who has lied to you and me and the American public. I'm, not happy about that; I am angry and outraged. He deserves our scorn and our condemnation. But we cannot impeach him because of our anger. That would turn our constitutional democracy into a parliamentary system. I am sure my colleagues do not want to subvert the constitution in that way.

What we must determine is this: does his conduct constitute a "high crime" or a "misdemeanor"? There is a reasonable doubt about that, and reasonable people can differ on the answer.

Because ours is a legislative, not judicial, judgment, exercised as part of our legislative function, we must also determine if impeachment is in the best interests of the country.

Historians note that those who are in the middle of history often do not realize it. Today, we are not talking about polls—or even elections—or even the sexual misconduct of our President. After all, this will be only the third time in history we consider impeachment of a sitting President. But that's what this debate is really about. I am shocked at how many people, including some in this Chamber, take this serious matter so lightly, even gleefully. We are witnessing a stampede to judgment. And like many stampedes, when the trail-dust settles we may leave chaos and ruin. This is a time for statesmanship. Each of us must independently assess the best direction for the House and for the country. That is why we should vote for a thoughtful process that will establish whether evidence exists to even open an inquiry before we begin a wide-ranging witch hunt with heavy heart and a keen recognition of history, and with reluctant support for this forum.

The American people, the world community, and future historians will judge us as we judge the President. I this House, at this moment, we must rise above passion and partisanship. We must be wise and equal to the public trust.

I ask my colleagues for a full debate on the resolution to open impeachment proceedings. We need more than one hour for discussion. Because of the gravity of this vote, we owe it to the American people to have a fully informed, careful, responsible discussion.

I also ask for our best judgment. I believe that the process that allows us to have more prudent decision-making is the Democratic alternative. Before we can move forward in recommending articles of impeachment, the Judiciary Committee should determine the standards for defining impeachable offenses. That would be extremely helpful and fair in our evaluation of this issue. With this information,

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

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we would be in a better position to discuss impeachment.

And I ask for a narrow scope. Impeachment hearings should examine specific, clearly stated, concrete charges. We need to give the Special Prosecutor's report complete consideration, especially after spending \$40 million to gather this information. I was not elected to Congress to waste the taxpayers' time and money in political chicanery. I was not elected to engage in a witch-hunt. The discussion must be on-point, specific to the matter-at-hand, relevant, and substantive.

This is the time for prudent judgment, for far-sighted decision-making, for fairness, and for justice. We cannot let our unharnessed passions nor our political greed sway us from acting in the country's best interests. We stand at a singular moment in history. Our actions will forever change the culture and political environment of our country. If we do not act with complete fairness, impartiality, and good judgment, we will certainly be harshly judged by our constituents, by the world community, and by history for our impatient folly. I ask my colleagues to demand a fair, just, and realistic process by which we examine these serious, dangerous, and historic charges against the President.

Mr. HYDE. Mr. Speaker, may I inquire how much time the gentleman from Michigan (Mr. CONYERS) and I have?

The SPEAKER. The gentleman from Illinois (Mr. HYDE) has 20½ minutes. The gentleman from Michigan (Mr. CONYERS) has 20 minutes.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. BLUNT).

(Mr. BLUNT asked and was given permission to revise and extend his remarks.)

□ 1245

Mr. BLUNT. Mr. Speaker, I rise in support of the resolution and will submit my remarks for the RECORD.

I intend to vote for the Judiciary Committee's recommendation that would begin the inquiry for impeachment. The President of the United States needs the trust and confidence of the American people. When the President does not have credibility, the country is at risk.

Currently only one in five Americans say they have confidence in the President's credibility and truthfulness. The American people deserve a speedy resolution of this crisis-in-confidence. The President deserves the opportunity to restore his credibility by having the opportunity to explain his side of what seems to be perjury and obstruction of justice both in a civil case and before a federal grand jury.

It is my hope that this inquiry will meet the demands of the Constitution and be resolved with all deliberate speed.

Mr. Speaker, I urge my colleagues to do their duty under the Constitution and take this step toward a conclusion of this national challenge.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. GANSKE).

(Mr. GANSKE asked and was given permission to revise and extend his remarks.)

Mr. GANSKE. Mr. Speaker, we have not always agreed on certain policies. I

can think of a health care issue that we disagreed on. But I certainly do not think it is fair for the Speaker of the House to be accused of perjury in this debate today.

I think that I have some bipartisan credentials, so I want to say to Members on both sides of the aisle that the Republican resolution follows the same model that was followed in 1974. A time limit was recognized then, and it is recognized now, as a way to obstruct and delay. We must listen to our consciences. And if we do, I think we can all agree with Chairman Peter Rodino in 1974 and the gentleman from Illinois (Mr. HYDE) today, a time limit is not the way to go on this resolution.

Yes, I am tired of hearing about the President's indiscretions, and I have had a hard time explaining this to my 10-year-old son. And it will be a stressful time for us. But when I think about the stressful times that our country has gone through in the American Revolution, the Civil War, the two world wars, the Great Depression, I think it would be a shame for us to shirk our duty.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT), the only former sheriff in the House.

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the prosecutor has asked us to indict the President of the United States on 11 counts. All 11 counts involve an intern. In the video, in 4 hours of questioning, the prosecutor did not ask the President one time about FBI files, about the travel office, about Vincent Foster, or about Whitewater. In 4 hours, basically the prosecutor asked what did the President do with an intern, when did the President know that he did it, and did he lie about it.

I am not minimizing the gravity of this, my colleagues, but this does not rise to the level of Watergate. Now, let us be honest about that.

This prosecutor is required by law to submit all evidence to the House, which is a Grand Jury. I must assume that he has. But I would also say to the leaders of both parties, if he has not, he should be compelled today to deliver every piece of evidence he has on any pending investigation. That is our duty.

I am going to support an inquiry today, but I am not going to support an extended soap opera, my colleagues. And I will say this: What the Congress of the United States, the House, has before us today is an 11-count indictment. We should be able to act on the predicate of that substance by the end of our terms. Kenneth Starr submitted it to the 105th Congress, not to a future Congress.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. STEVE BUYER), a distinguished member of the committee.

Mr. BUYER. Mr. Speaker, I thank the chairman for yielding me this

time. I have listened to part of the debate, and I have to agree with the gentlewoman from Colorado that I am disappointed in the conduct of some of my colleagues here today. How people can be here on this House floor cheering or applauding, as though they have somehow scored political points, is very disappointing to me. I think that part of that noise is about a clamor against the judicial process and their actions define themselves.

Actually, this kind of reminds me of a story about Abe Lincoln that I will share with my colleagues. Let me tell this little story.

Abe Lincoln, in one of his many famous debates, was debating a person known to be very shallow in substance because he did not really have the facts on his side. He always tried to make up for his lack of substance by making a lot of noise. Sure enough, the debate began with his opponent using plenty of noise, increasing the volume of his voice and the emotion in the delivery and the intensity of the tone. Abe began, in reply, with this story:

He said: There was a man and woman that were walking back to town. It was at night, through a dense forest. It was extremely dark, and a storm, with plenty of thunder and lightning, was all around them. The lightning was not enough for them to see, and the thunder caused confusion and made it difficult for them to see. And they got scared, because they were not sure they were going to be able to make it back to town. So they fell upon their knees and they prayed. And they said, God, may we have a little less noise and a little more light.

What we find here at the moment is a lot of noise, but I, for one, will enjoin in the prayer for a little more light. Our job here is to seek the light of the truth, because the truth matters.

And let us not confuse ourselves with what is happening here today. Both parties, Democrats and Republicans, are saying to America: We have a credible and substantive referral from an independent prosecutor, and we must take the next step toward the inquiry of impeachment. There may be a disagreement, there may be a debate about the scope or the limitation on times, but those are details. The facts will sort themselves out. If the facts find that the President should be exonerated, then we should do so because we follow the truth. If it shows otherwise, then we should proceed with the next step.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Michigan (Ms. DEBBIE STABENOW).

(Ms. STABENOW asked and was given permission to revise and extend her remarks.)

Ms. STABENOW. Mr. Speaker, today we make a critically important decision affecting the lives of every single one of the people we represent: Men and women, young and old, working hard every day, who care about their families. They want us to deal with the

President's irresponsible behavior and lack of truthfulness in a fair and responsible manner, and they want us to do so as quickly as possible so that we can return to the important issues that affect their families.

They also want us to rise above partisan self-interest and do what is best for the country, not Democrats, not Republicans, but as Americans. I am deeply concerned that this Congress will not meet this test today.

We have two proposals in front of us. The issue is not whether or not to proceed, it is how to proceed. One proposal gives us the opportunity to come together in a bipartisan way, vote to begin an inquiry on the issues raised by the Starr report, and bring this inquiry to a conclusion this year. The Republican alternative is an open-ended, unchecked process that could continue throughout the next Congress, with no requirement to limit the issues formally presented by the special prosecutor.

In all good conscience, I cannot support this process. It is not in the best interest of our country. It is not in the best interest of the families I represent to put our country in suspended animation for months and months when we have the ability here to bring this to a conclusion this year. I believe the American people deserve no less.

We must address this crisis fairly and responsibly and get back to the people's business. I implore my Republican colleagues to join us, to join with America in a process we can truly be proud of.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE), a valued member of the Committee on the Judiciary.

(Mr. GOODLATTE asked and was given permission to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, in a short while this House will vote on whether or not to begin an impeachment inquiry against the President of the United States. A very serious matter. We will have a vote that will, I think, result in a substantial majority of the Members voting to proceed unhindered by artificial time constraints that simply subject the body to political gamesmanship of delay rather than expedition of the process. We will vote to allow ourselves to look at other credible evidence of impeachable offenses from other credible sources, if those come before the body.

We should not engage in a fishing expedition, but we should exercise our constitutional responsibility in a full and open way, the same way we have always exercised that responsibility for every other impeachment inquiry in more than 200 years of American history. And we should do it in the way suggested by our former colleague, Representative Barbara Jordan, who said at another time, "It is reason, not passion, which must guide our deliberations, guide our debate and guide our decision."

The charges against the President include perjury, witness tampering and obstruction of justice. These are serious charges, charges that cannot be wiped away with a mere wink and a nod, an apology, or someone's interpretation of the latest opinion poll. The standard that we follow, and the standard we teach our children, is that no person is above the law, including the President of the United States.

Amid the intense glare of the moment, we must keep in mind that what the House is considering today is not impeachment or articles of impeachment, nor is it about matters for which the President has apologized. Rather, the House must decide, in light of the documented allegations of serious crimes committed by the President, all of which the President has repeatedly denied, whether we should take the next step in the constitutional process by fully and completely investigating whether the charges are well-founded.

I urge my colleagues to take that step because it is the right thing to do. We must follow the truth wherever it leads.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. LLOYD DOGGETT), a former member of his State's Supreme Court.

Mr. DOGGETT. Mr. Speaker, the real question here today is not whether to begin an inquiry, but whether it will ever end. Whitewater, Travelgate, Filegate. It is really Rabbit Trail Gate that I am concerned about. We do not need Ken Starr squared in this chamber. The only way to force this Congress to get back to the real concerns of American families, like tax reform and Social Security reform, is to bring this matter to a prompt conclusion.

As a former Supreme Court Justice, I will not defend the indefensible, but, by golly, there is a way to punish the lying without punishing the American people, who have clearly had enough of this and then some.

I believe that the standard that we apply should be no higher and no lower than we would apply to ourselves and that we have applied to the Speaker of the House in this very chamber. The Democratic amendment assures that that will happen. Without it, there is no assurance of a bipartisan pursuit of justice, of fairness, and an ultimate answer to the American people on this issue, and then getting back to business on their issues.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

(Mr. WELDON of Florida asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, if we walk out the door to my right, in the middle on the minority side, and go left, we will come to a large marble staircase. And at the top of that staircase is a large painting, a painting by Howard Chandler Christie entitled, "The Signing. The Constitution of the United States." And in the center of

that portrait is Ben Franklin. It is reported that he walked out of the Constitutional Convention and a woman approached him and said, "What kind of government have you given us, Mr. Franklin?" And his response was: "A republic, if you can keep it."

The challenge before us today is: Can we keep it? Because a republic is a Nation that is guided by the rule of law. Not the whims of a dictator or a majority that can trample on the rights of a minority, but the rule of law.

I urge my colleagues to vote in support of this resolution. I, like everyone in this chamber, would like to get this process behind us. The best way to do that is to support this resolution. It is the right thing to do, it is the right way for us to keep the republic, as Franklin asked us to do.

□ 1300

Mr. CONYERS. Mr. Speaker, a former member of the Committee on the Judiciary the gentleman from California (Mr. BECERRA) is no longer with us on the committee, but we still appreciate his legal insights. I yield 1 minute to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time. The President's conduct in this matter was deeply disappointing to Americans. All of us have traveled down that path. There is no question of that. This House will proceed with an inquiry. That road we have also begun to travel. There is no question of that. But how we travel down that road is still subject to intense questioning. The majority would take us down this road that would offer no end in sight, that omits the rules of the road for its conduct, in essence open-ended, without conclusion.

After more than 4 years, \$50 million in taxpayer funds, we should give the American people a clear, defined and transparent process. It is not if we will proceed, it is how we will proceed. Today is the 8th of October. We are now 8 days into the new fiscal year without a budget. Tomorrow, the 9th of October, at midnight, we will have to shut down this government unless this Congress passes a budget. And yet for the American people we offer nothing, no clear, defined, transparent process. They deserve more.

Let us go to our destination and get there with Godspeed. We have work to do for seniors, for children and for working Americans. We must do it in a transparent, balanced and fair way.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GEKAS), a very valuable member of the committee.

(Mr. GEKAS asked and was given permission to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, the simple gesture of raising one's hand accompanied by an oath to tell the truth, the whole truth and nothing but the truth, this gesture takes place hundreds of

times a day in every courthouse in the land. It is preceded by an oath that is taken by the judge to dispense justice, by the jurors to find the truth, by the bailiffs, by the clerk of court, by the sheriff, by the attorneys, the officers of the court. And when a witness mounts the witness stand pledging to tell the truth and nothing but the truth and does not, but commits perjury, then the entire process comes tumbling down.

The very core of the justice system on which we rely for justice for our families, for our churches, on our institutions, for the individual rights of every citizen of our country, all of that depends on that oath that is administered and followed, hopefully, by the witness who takes that stand.

We cannot afford to trivialize the possibility of perjury nor devalue its part in our democracy. That is why we must go forward with this impeachment inquiry to determine whether the statements given under oath amount to perjury, number one, and whether that perjury, no matter what the subject matter is, is an impeachable offense. This is not about sex. This is not about lying about sex. It is, rather, when under oath does one lie about sex.

Mr. CONYERS. Mr. Speaker, very, very few people have argued their cases in the United States Supreme Court. Eleanor Holmes Norton, our delegate from the District of Columbia, has. I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

(Ms. NORTON asked and was given permission to revise and extend her remarks.)

Ms. NORTON. I thank the gentleman for yielding me this time.

Mr. Speaker, we have witnessed astonishing confusion in this House and in the Judiciary Committee concerning the requirements for impeachment. If these very issues were before a court of law, there might be wide disagreement on the facts, but everyone would know what the law is. In an impeachment proceeding, the law is the standard the House sets. We move today, Mr. Speaker, not by any standard, but by the seat of our pants. We are a constitutional democracy, not a parliamentary republic. A vote of no confidence in Great Britain requires no standard, but calls forth a new election. A vote for an impeachment inquiry in the United States requires a high standard, because it could nullify an election.

Mr. Speaker, the President's misconduct may warrant an inquiry, but neither he nor any other American deserves an inquisition.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. FOSSELLA).

(Mr. FOSSELLA asked and was given permission to revise and extend his remarks.)

Mr. FOSSELLA. Mr. Speaker, I thank the distinguished gentleman for yielding me this time.

Mr. Speaker, it is with a heavy heart that I come before you today to sup-

port this resolution. I come not as a Republican, not as a New Yorker, but as a person who loves this great country and all its ideals and principles it represents.

Earlier today one of my colleagues said that this would be the most divisive issue since the Vietnam War. While he may believe that to be true, I take strong exception with that, and I will tell my colleagues why. Men and women were sent overseas like every other war and military conflict since our Nation's birth to defend the rule of law, the notions of personal freedom and individual liberty. And in the case before us today, we are asking a simple question: Did the President of the United States violate any of those rules of law that we cherish and that so many men and women have died for and are willing to die for at every point around the globe?

I do not want to be here today, like so many of my colleagues, but the generations of Americans yet unborn must look back on this day and this matter and this situation and see this as our finest hour, upholding what our Founding Fathers and every generation since has looked for and yearned for, the notion of freedom, the notion of liberty, the notion of the rule of law, and that each American cherish life, liberty and the pursuit of happiness. Reluctantly, I am here; I proudly, though, support this resolution.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Hawaii (Mrs. MINK) who came to this body at the same time as I did, a distinguished lawyer in her own right.

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman for yielding me this time. Mr. Speaker, we have been beseeched today on both sides of the aisle to follow the rule of law, to follow the Constitution. I ask each of you here to understand that the seat of which you occupy in this august Chamber has a constitutional limit which expires on January 3. What right have we to extend this investigation beyond our term of office? That is all that we are saying on this side of the aisle. There must be a limit. This investigation must end by the end of the year.

We also ask you to follow those points that have been raised by the Ken Starr report, extended no further, limited to that. We also say that under the Constitution, we have to know what the rules are, exactly what is the standard of conduct which is impeachable. The Constitution says impeachable requires a definition of high crimes and misdemeanors and talks about treason and bribery.

The Judiciary Committee has not had 1 day of hearings to help this country or this Congress to understand what constitutes an impeachable offense, so how can we vote today on an inquiry which has no standards, no rules of conduct, no time limit?

The President's shameful conduct has brought humiliation to the Presidency, to his family, and to this nation. He has demeaned himself and the office to which he was elected. His conduct cannot be dismissed as a private matter. When he took office he took an oath, as we did, to uphold the law. Probably more important than that oath, is the role the President has as the moral and ethical leader of our country. What will our children think about their President? How will we answer their questions?

In that backdrop this House has now the constitutional duty to judge the facts and to make a determination whether "high crimes and misdemeanors" amounting to treason and bribery have been committed.

Despite assurances by the Republican leadership that they would be fair in setting the rules for this inquiry I have concluded that their interests are primarily partisan.

They have the votes to do whatever they wish. Ultimately the American people will be the judge of whether they were fair.

I, like most of my constituents who have called and written, would prefer that this matter be disposed of quickly. They are disgusted by the incessant media hype regarding the sexual details and just want it to be over and done with. They want to spare their children from having to hear over and over again all the lurid details of the sexual conduct. They want the jokes to cease. The quickest way would be by censure without going through a prolonged inquiry. Under this process we would assume all the narrative facts as described in the Starr report to be true and decree a punishment short of impeachment. It would be a public reprimand. It could also be a fine and forfeiture of pay or pension. Some of these were among the punishments leveled on the Speaker at the beginning of this Congress.

We have had many discussions among minority members and it seemed to me that censure was the right course of action. I regret that it could not be what we are discussing today.

The Republican majority have the votes to carry this forward to an inquiry. They want an open ended inquiry. Most of the public wants no inquiry. The public wants an end to this sordid matter. The public wants us to get back to the business of the nation.

The Democratic minority has suggested that if there must be an inquiry it be limited to the narrative contained in the Starr report and that the inquiry conclude at the end of this 105th Congress. This is a reasonable request. Why should newly elected members of the House be bound by an inquiry which they neither voted for nor participated in? The next Congress, the 106th, if the inquiry goes forward into 1999, has to elect a new Judiciary Committee and for all we know it may have many new members. The limitation to an inquiry by this Congress is both logical and practical and certainly is in keeping with the sentiment felt across this land that they want an end to this emotional debacle.

All that is before this House is the Starr report. This is all that this House and this Judiciary Committee ought to be considering. There is no justification to add other items to this impeachment inquiry. Kenneth Starr has been investigating Whitewater for the past four years at the cost of over \$40 million and has filed no report with the House. What could the Judiciary Committee accomplish that Starr has

failed to do? Filegate, Travelgate, and Chinagate are all under investigation or have been. There is no need to raise these to the level of impeachment.

If we must be saddled with an inquiry, it must be limited to the report of Kenneth Starr. The Democratic proposal is both fair, and reasonable. It should be accepted.

I shall vote against the Republican version because it leaves open the scope of this inquiry and allows it to go beyond the end of this Congress.

Furthermore, in my view the real debate we should be having in this House is what constitutes a "high crime and misdemeanor" within the meaning of the Constitution. Do the facts of this case, even if all true, warrant an impeachment? Are there judicial precedents? Unless and until we arrive to this determination, the rest of the inquiry is merely to sort out the sordid details, without even understanding whether even if true they mount to an impeachable offense.

Many of my constituents demand that I say whether I am for or against impeachment of this President. That's like asking whether I am ready to drop to guillotine without knowing whether a capital offense deserving death has been committed.

Our system of justice is difficult to understand. For instance OJ Simpson was found "not guilty" of murder because guilt had to be found "beyond a reasonable doubt." Yet in civil court where "the preponderance of evidence" rule is the guide OJ was found liable under the same facts.

Here the Constitution sets the narrow parameters of what an impeachable offense is. We must stick to that determination. First we have to agree what an impeachable offense is. Then we have to decide whether the facts at hand come up to that level of definition.

I am the jury and the judge. Even if the were pending before my court a motion to dismiss this case I would still have to decide what an impeachable offense was and whether the facts reached this definition. If it did not, I would dismiss the case.

It's the rule of law that guides my decision today. We must heed our constitutional duty. What we do will long endure.

Mr. HYDE. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. STEARNS).

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, we are on the threshold of a very simple decision here, a simple decision to decide whether to look at and investigate the Starr report. Now, both parties in this House agree that we should investigate. The Democrats want to limit the scope and the time. But we want to follow the precedents established by Watergate.

No prior impeachment investigation has ever been limited in the United States or England in the last 600 years because of time and scope. If there is a precedent that you can cite today, please tell us. Why do we have to go forward like this? Because man believes he is above the law. In fact, Louis XIV said, "I am the State." The king expressed the essence of the doctrine of unlimited power.

In 1825, Daniel Webster in his Bunker Hill Monument oration talked about unlimited power, love of power and "long supported by the excess and abuse of it are yielding in our age to other opinions." What are those opinions? The Constitution.

So, my friends, we are at a threshold. Under our Constitution, the role of the House and our duty to the American people is to act simply as a grand jury in reference to the impeachment charges presented. To paraphrase Thomas More "A Man for All Seasons", when he said:

"The laws of this country are the great barriers that protect the citizens from the winds of evil and tyranny. If we permit one of those laws to fall, who will be able to stand in the winds that follow?"

How eloquent. How truthful. We must do the right thing and move forward with an investigative inquiry of impeachment without restrictions.

Mr. CONYERS. Mr. Speaker, with all apologies to my colleagues on this side of the aisle, without objection from the chairman of the committee, I would like to call on three of my colleagues for 20 seconds each consecutively: I would call on the gentleman from New York (Mr. ENGEL), the gentlewoman from Michigan (Ms. KILPATRICK), and the gentleman from North Carolina (Mr. HEFNER) for that amount of time, if that is permissible.

Mr. Speaker, I yield 20 seconds to the gentleman from New York (Mr. ENGEL).

(Mr. ENGEL asked and was given permission to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, I think it is ironic that I have 20 seconds. The Republican majority wants to give us no time limit on an impeachment inquiry which will turn into an open-ended fishing expedition, but I have 20 seconds here. They want to severely limit the amount of debate here amongst our colleagues.

The American people are smart. They want this politically motivated witch-hunt to end. It is no coincidence that Mr. Starr brought his report 7 weeks before a national election.

Let us stop the politics. Let us really talk about bipartisanship. Why can we not have adequate time to debate this important thing to the Nation?

Mr. Speaker, I yield back the balance of my time, perhaps a second and a half.

Mr. CONYERS. Mr. Speaker, I yield 20 seconds to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, I thank the ranking member for giving me this full 20 seconds to address the American people.

It is unfair, it is unconstitutional, and it is unfortunate that we are here today. The highest office in this country, not protecting the Constitution, we ought to be ashamed of ourselves.

Mr. CONYERS. Mr. Speaker, I yield 20 seconds to the gentleman from North Carolina (Mr. HEFNER).

(Mr. HEFNER asked and was given permission to revise and extend his remarks.)

Mr. HEFNER. Mr. Speaker, I came here with Chairman HYDE, and we came here 24 years ago. I was hoping that I would get more than 20 seconds on this, the most important vote I have cast since I have been here. But the thing that bothers me in this whole process, and I will be leaving this august body which I love, is the hatred and the venom that this has engendered over the past year. You look at the talking heads on television, in the newscasts. There are people that are absolutely livid.

Mr. CONYERS. Mr. Speaker, I would like to recognize three more persons in the same time frame as before: The gentlewoman from Florida (Mrs. MEEK), the gentleman from Maine (Mr. BALDACC), and the gentleman from California (Mr. FILNER).

Mr. Speaker, I yield 20 seconds to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I want to thank this Congress. I love you very much. But it is very apparent that from the very beginning you have not wanted William Jefferson Clinton as your President.

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My colleagues have gotten on a path to do it, and they are on their way.

The American people are watching. They know this process is unfair. And wherever something is unfair, there is an old saying that goodness and justice shall prevail.

So I say if my colleagues keep going, their time will come.

Mr. CONYERS. Mr. Speaker, I yield 20 seconds to the gentleman from Maine (Mr. BALDACC).

Mr. BALDACC. Mr. Speaker, I rise today to address this situation that the House of Representatives and, indeed, the country face today. I rise in support of the motion by the gentleman from Virginia (Mr. BOUCHER) to substitute the motion by the gentleman from Illinois (Mr. HYDE) and to have an inquiry, but to have a focused inquiry, and one that has an expeditious end to it so that the Congress, which has an obligation to do the people's business, moves forward as quickly as possible and as fairly as possible. And most importantly, Mr. Speaker, I want to ensure that we are actively working to address the priorities of the American people.

Mr. Speaker, I rise today to address the situation that the House of Representatives, and indeed, face today.

Independent Counsel Kenneth Starr has presented the House of Representatives with a referral and supporting documentation containing "substantial and credible information that President Clinton committed acts that may constitute grounds for an impeachment." It is now the duty of the House to determine whether or not to move forward with an impeachment "inquiry," and if so, what the scope of such an inquiry should be.

This is an important matter. What President Clinton did was wrong, and he must be punished appropriately. However, instead of rushing to judgment, I believe we should pause to consider the long-term implications of our actions. I hope that the actions of this House will stand the test of time. I am concerned that they may not.

Today, I will support an inquiry that is limited in scope to the matters contained in the Independent Counsel's referral. (Should Mr. Starr refer additional matters, I would consider expanding the scope of the inquiry to include those matters at that time.) I do not believe that a wide-ranging resolution that will result in a re-examination of unrelated issues is in the best interest of our nation. The American people have rightly demanded that this matter be settled expeditiously, and there is no reason that cannot happen.

The House must define what constitutes an impeachable offense and determine whether or not the facts before us met that definition. The potential impeachment and removal from office of a popularly elected President is a very serious matter. We must carefully consider the President's conduct, and determine whether or not it rises to the level of "high crimes and misdemeanors." As we go forward, I believe that we should explore whether another punishment, such as censure or rebuke, might be more appropriate to these circumstances. Above all, we must conduct our inquiry in a fair and deliberate manner that is worthy of the seriousness of the situation and that will not set precedents that will weaken the Office of the Presidency in the future.

Again, I support moving forward with a focused inquiry. I would encourage every member—Republican and Democrat—to support a focused inquiry that can bring this difficult situation to a close.

But I also want to recognize there are many other important matters facing our nation. Each week as I travel throughout Maine, I consistently hear from people that they are tired of reading about the Starr investigation. They want to talk about Social Security, education, health care and other issues that affect their day to day lives. The Congress has an obligation to do the people's business. I want to move this process forward as quickly and as fairly as possible. Most importantly, I want to ensure that we are actively working to address the priorities of the American people.

Mr. CONYERS. Mr. Speaker, I yield 20 seconds to the gentleman from California (Mr. FILNER.)

(Mr. FILNER asked and was given permission to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, it is this Congress that is subverting the constitution by trivializing the impeachment process. Ken Starr has been 4 years and \$40 million investigating every part of the President's life, and we are going to embark on an open-ended investigation while the world economy is collapsing, the health care system needs reform, our own finance system is corrupt, and we will be talking for months about who touched who where.

The continued investigation of the President is nothing more than a cover-up for the failure of a do-nothing Congress to address the real issues facing the American people.

I am voting "no" on opening an impeachment inquiry.

Impeachment is the gravest of offenses. In the view of the framers of our Constitution, impeachment is reserved for those who undermine the fundamental political and Constitutional structure of our nation. While President Clinton's behavior was both reckless and indefensible, it is not impeachable. It is this Congress that is subverting the Constitution by trivializing the impeachment process.

Ken Starr has already spent four years and \$40 million investigating every aspect of the President's public and private life. It is irresponsible for this Congress to continue an open-ended investigation for who knows how long. The world economy is collapsing, our health care system needs major reform, our whole campaign finance system is corrupt—and we will be talking for months about who touched who where!

This continued investigation of the President is nothing more than a "coverup" for the failure of a do-nothing Congress to address the real issues facing the American people.

We must bring closure to this sorry chapter in our history as quickly as possible—so we as a nation can move on to deal with our domestic and international problems. To that end, I would urge the Congress to immediately censure the President—and begin the process of healing the breach of trust that engulfs us now.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Arizona (Mr. HAYWORTH).

(Mr. HAYWORTH asked and was given permission to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I rise in reluctant, but strong support of the resolution offered by the Chairman of the Committee on the Judiciary.

It is disappointing to see this debate degenerate into a cacophony of cat calls.

Honest people can have honest disagreements. But I take strong exception, Mr. Speaker, to the notion that somehow this is unconstitutional. Quite the contrary. This follows the Constitution.

Incumbent upon every Member of this House today is the most important responsibility short of the responsibility of a declaration of war because we have to begin the process to determine the fitness for office of our Chief Executive.

There is no reason to let this degenerate into cat calls or into the spin cycle. Let us follow the Constitution, let us follow the procedures laid down by those who have gone before, let us not confuse the issue, trying to superimpose ethics rules of this House on the constitutional process. Vote for the inquiry of impeachment.

Mr. CONYERS. With apologies again to my colleagues, Mr. Speaker, I yield 20 seconds each to gentleman from New York (Mr. MEEKS) and the gentleman from Florida (Mr. DEUTSCH).

Mr. Speaker, I yield 20 seconds to the gentleman from New York (Mr. MEEKS).

(Mr. MEEKS of New York asked and was given permission to revise and extend his remarks.)

Mr. MEEKS of New York. Mr. Speaker, this resolution does not allow us to even set standards. When we do not have standards, what we become is a modern-day kangaroo court.

I was arrested myself the other day, and when I was arrested for the immoral practices of the Supreme Court in hiring minority law clerks, I knew that I had a right to a speedy trial. I knew the elements of the crime that were against me. That is not here.

Dr. King once said that a threat to justice anywhere is a threat to justice everywhere.

My fellow Americans, this is not about just justice for President Clinton. This is about justice for all of the American people.

Mr. CONYERS. Mr. Speaker, I yield 20 seconds to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, this is clearly my saddest day as a Member of this body.

As my colleagues know, we have heard a lot of protests so far, and the protest that there is no politics here. Well, know something? People are protesting that protest a little too much. It is not believable.

The reality is that my colleagues on the other side of the aisle, they cannot just impeach Bill Clinton, but the truth is they can impeach a ham sandwich. That is the reality of the situation, and the American people understand it.

Mr. CONYERS. Mr. Speaker, I yield 40 seconds to the gentleman from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY of Massachusetts. Mr. Speaker, there are strong beliefs on this issue on both sides. I believe strongly that many of the Republicans think and believe that this is about perjury and think it is about lying, and I think Democrats think that this is about a sexual affair. And in truth: in some ways both are right.

The question before us is whether or not we believe as a people and as a Congress that these issues rise to a impeachable offense.

President Clinton did wrong. He admitted it, he said he was sorry, he asked for our forgiveness. Let us give him our forgiveness, let him run this country, let us talk about the issues that are important to the people of this country: providing health care and education, making certain that we have a fair country, a just country, a country that looks out for the poor.

That is the challenge before the American people.

That is the challenge before the Congress.

Let us meet that challenge and put this inquiry behind us, behind the American people.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, today's vote is not about impeachment. Today's vote is about the search for truth. This is a vote that our grandchildren will ask us about many years

from now when our constituents have long forgotten us, many years from now when our terms of office have been behind us for many years. They will look up and say:

"Why did you vote the way you did?"

Mr. Speaker, I think most Members are going to rise to this occasion and not vote by the polls, not vote by the parties and certainly not by the personalities, but vote for a higher reason: that question of does truth matter? What is right? What is wrong? Are we a Nation of laws? And do we want to affirm and uphold these laws? Do we see that as our constitutional oath of office?

I believe that when the gavel is sounded, most of us, Democrats and Republicans, will affirm that we do uphold the values, that we will move towards the search for truth, not happily jumping into it, but soberly upholding our constitutional oaths of office.

Mr. CONYERS. Mr. Speaker, I have a series of unanimous consent requests to revise and extend remarks, and I yield such time as they may consume to: the gentlewoman from Connecticut (Ms. DeLauro), the gentlewoman from Missouri (Ms. MCARTHY), the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN), the gentlewoman from North Carolina (Mrs. CLAYTON), the gentlewoman from California (Ms. LEE), the gentlewoman from California (Ms. ESHOO), the gentlewoman from California (Ms. ROYBAL-ALLARD), the gentlewoman from New York (Ms. VELÁZQUEZ), the gentlewoman from Oregon (Ms. FURSE), the gentlewoman from California (Ms. MILLENDER-MCDONALD), the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the gentlewoman from California (Ms. WOOLSEY), the gentlewoman from Florida (Ms. BROWN), the gentleman from New Jersey (Mr. MENENDEZ), and the gentleman from Texas (Mr. BENTSEN).

(Ms. DELAURO asked and was given permission to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I regret that I have been denied the opportunity to join this most important constitutional debate, and I rise to announce my intention to vote against an open-ended inquiry that is bad for our families and bad for this country.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to announce that the Chair is prepared to recognize normal unanimous consent requests within the normal framework or the Chair will cut off all unanimous consent requests.

(Ms. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in opposition to this resolution, in support of a fair process of inquiry.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in support of the motion to recommit House Resolution 581 so that the measure may be amended to provide a swift, fair, judicious resolution to the inquiry of whether the

referral of the Independent counsel constitutes an impeachable offense by our President.

The debate to day is not about whether to proceed with an impeachment inquiry. It is about how we should proceed. I support a responsible inquiry that will focus on the 15 findings contained in over 10,000 pages and documents provided to the Congress and the American people. Our inquiry should begin with a determination of what standard constitutes an impeachable offense, and an examination of the sufficiency of the evidence. If more evidence is needed, we can expand the inquiry. We must be sure the findings constitute impeachment.

For too long the attention of the Congress has not been focused on the needs of the American people: reforming our health care system, achieving quality education, making Social Security solvent, and restoring soundness to our global economy which faces the possibility of a serious recession in light of a world economic downturn. For the sake of the country we should complete this inquiry by the end of the year, so that we can get back to the business of the American people.

I approach this vote with a deep respect for the Constitution, the Presidency, and the Congress. It is a serious act to overturn an election. I am profoundly disturbed and disappointed by what the President has done. Impeachment is meant not to punish a President but to protect the Nation and its citizens against the abuse of power. Our actions today are more important than any one individual. This vote speaks to the essence of our democracy and the premises of our Founding Fathers. The inquiry must go forward expeditiously and free from partisanship.

I am committed to exercising sound judgment in the best interest of the citizens of my district and this great Nation.

(Ms. CHRISTIAN-GREEN asked and was given permission to revise and extend her remarks.)

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise in strong opposition to the resolution and in support of fairness, the Constitution and America.

That's not rain outside Mr. Speaker, today the Angels are crying.

Today will be a historic day, but what kind of history will we be making?

If the vote goes as it is projected to and the resolution from the Judiciary Committee is passed in its present form, then Mr. Speaker, today the elected representatives of the people will in doing so defy the people, ignore their pleas that enough is enough, and instead vote to proceed with an ignominious impeachment inquiry that is based solely on partisan politics and not in or on our common interest or that of the state.

In doing so, given the nature of the charges which do not come even close to meeting the standards for impeachment, and having refused to limit the scope or the time, or proceed in a fair manner, it is clear Mr. Speaker that the intent is to destroy President Clinton, and the Democratic chances for victory in November. It clearly has nothing to do with protecting the state.

My colleagues, I rise to say to you that what you are proposing to do will probably not destroy Bill Clinton although it may affect the election outcome, but what it will do is destroy the institution of the Presidency for future generations, it will undermine the Constitution that

is there to protect the least of us, it will destabilize the economy that so many have benefited from, it will weaken our military efforts abroad, and it will damage the integrity of this House.

Yes, Mr. Speaker, the Angels are crying today.

Mr. Speaker, all that the members of the Congressional Black Caucus asked for was fairness. That was not agreed to because it would have dictated that there be no inquiry at all. The Democratic caucus, knowing that a motion to proceed with the inquiry would pass, then asked for a legitimate, fair and focused process. This too is today being denied, Mr. Speaker, and in doing so it is the request of the American people that is being denied.

Today history will be made, let us proceed fairly and vote on the dictates of conscience not politics. Otherwise, I assure you, Mr. Speaker we will all regret that this day ever dawned.

(Mrs. CLAYTON asked and was given permission to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, I rise in opposition to this very unfair resolution and in support of a fair resolution, the Democrat alternative.

Mr. Speaker, today, as we consider this Impeachment Inquiry Resolution, each must ask the question, what does the Constitution require of us?

Impeachment of a President is really a greater punishment of the people. When we impeach a President, we frustrate the will of the people. That is why we must consider this matter with great care and probe deeply within our own conscience.

That is why we must have standards. In the sixty impeachment proceedings since 1789, no Congress has ever impeached a President. Two Presidents have faced impeachment, Andrew Johnson, 1868, and Richard Nixon in 1974. Johnson was acquitted. Nixon resigned before trial.

The Constitution sets out what constitutes an "Impeachable Offense", as "Treason, Bribery, or other High Crimes and Misdemeanors." We must ask ourselves, do we believe this President has committed "treason," or any offense like treason?

Treason, attempting by overt acts to overthrow the government, or betraying the government into the hands of a foreign power? We must ask ourselves, can it be said that this President committed "bribery," attempting to influence the behavior of a public official?

Neither the Starr Report nor the Shippers Charges, list treason or bribery among the claimed offenses. So, what does "Other high crimes and misdemeanors," mean?

We must not substitute our personal view of an impeachable offense for the Constitution's definition. And, what of the people's business? What of education, health care, small farmers, the global economy, and Social Security? Each must ask, in seeking to do our duty with this matter, have we done our duty for the people? When this day closes, each must ask, have I moved this Nation forward? Have I met my appointed task? Have I carried out my responsibility? Have I done the deeds for which I am obliged?

(Ms. LEE asked and was given permission to revise and extend her remarks.)

Ms. LEE. Mr. Speaker, I am in strong opposition to any impeachment inquiry, and hopefully we will move forward though in a fair and speedy process.

(Ms. ESHOO asked and was given permission to revise and extend her remarks.)

Ms. ESHOO. Mr. Speaker, I rise today in opposition to the resolution believing that in the national interest, in the national interest, that we have a brief and concise hearing.

(Ms. ROYBAL-ALLARD asked and was given permission to revise and extend her remarks.)

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today in opposition to this unfair resolution.

(Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Speaker, I rise in strong opposition to this undemocratic, unconstitutional resolution.

(Ms. FURSE asked and was given permission to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, I rise in strong opposition to this unfair Republican resolution and in favor of the fair Democratic alternative.

(Ms. MILLENDER-MCDONALD asked and was given permission to revise and extend her remarks.)

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise in unequivocal opposition to this unfair practice.

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in opposition to the Hyde resolution and in favor of the Democratic amendment.

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I stand in opposition to the Hyde resolution and in support of the Democratic alternative.

As a woman and a Democrat, I am embarrassed by the President's conduct. What he did was wrong.

The very idea of considering impeaching a duly-elected President and removing him from office is one of the most serious and weighty tasks of the U.S. Congress. Since the Independent Counsel's report was delivered to the steps of Capitol Hill, I have thoroughly and carefully reviewed the allegations. But since that day, I have also seen important constitutional questions answered with partisanship, compromise destroyed by politics, and legal discussions replaced by political attacks. The Republican leadership has allowed desire for political gain to distort this investigation, with little regard for the harm done to American families.

The mudslinging and dirt digging has gone too far and lasted too long. It has hurt our country, damaged this Congress, and harmed our families. We should be focusing on education, Social Security, and health care. Our nation cannot endure an inquiry that goes on month after month with no direction and no end in sight. Before we jump in head first, we need an exit strategy.

That is why I will vote against the Republican resolution. With no limits and no guidelines, the Republican resolution gives the majority party carte-blanche to do still more dirt digging, more snooping, and more probing into personal lives and intimate details. Quite simply, the Republican investigation risks careening out-of-control and dragging our kids and our families down with it.

I will vote for the Democratic alternative proposal because it is fair, focused, and finite. While it does allow Congress to expand its investigation should new facts come to light, it first defines an impeachable offense, specifies the scope of the investigation, and establishes a concrete time frame. Without these guidelines and the time limit, we will never be able to get this ordeal behind us.

(Ms. BROWN of Florida asked and was given permission to revise and extend her remarks.)

Ms. BROWN of Florida. Mr. Speaker, I rise against this pre-Halloween witch-hunt.

Mr. Speaker, I rise today in strong opposition to this impeachment inquiry resolution. We have lost our senses in this Congress! This proposed inquiry is the result of a well-planned witch hunt. For years the nation has been forced to live with daily news articles aimed at discrediting the President and the First Lady. The nation is weary and the world is in crisis! We must end this insanity now!

Our Constitution is at stake; our democratic system is at stake. Will the Congress overturn the will of the people in electing our President? The report to the Congress on this matter is not about high crimes or misdemeanors against the United States of America—the only grounds for impeachment.

We do not need to waste more time on this issue. Every year 1 million more people lose health care and our education system is collapsing. This leadership refuses to address the important issues of working people, children, and the nation's oppressed. I urge my colleagues to end this nightmare now!

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. In view of the partisan, arbitrary and capricious limitation of time, I rise in opposition to the Republican proposal that limits time but does not limit scope.

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, the issue before the House of Representatives today is not whether the President's behavior should be condoned, nor is it whether the House should proceed with an inquiry to determine if this behavior amounts to an impeachable offense. I believe that the President's behavior was wrong and indefensible, and I believe an inquiry is necessary. The question before us today is what form this inquiry should take. Should it be an open-ended process as provided in the underlying motion H. Res. 581 that allows the Judiciary Committee to investigate anything it wants for as long as it wants, as this resolution would authorize, or should the inquiry be limited in scope to the allegations contained in the Independent Counsel's referral and brought to resolution by the end of the year, as the Boucher motion to recommit would do?

Today, I am voting for the motion to recommit because I believe the House should fully and fairly investigate this matter, but also bring it to a conclusion so we can move on and address the critical challenges facing our nation, including the most serious international economic crisis in half a century. If the motion to recommit were adopted, we could immediately begin with an in-depth inquiry into the referral of the Independent Counsel. The nation cannot afford, and the American people do not want, an open-ended, boundless, limitless inquiry as contained in the Hyde resolution that would consume all the time and energy of our nation's leaders. How long will this resolution go on? One year, two years? I fear the Congress will get little, if anything, done if we reject the Boucher motion and adopt the Hyde motion, as underscored by the recent track record of inaction on the budget, the Patients Bill of Rights, recapitalization of the International Monetary Fund, and other critical issues. My constituents tell me that they want this matter resolved quickly and fairly, and that is what I am voting to do today.

The resolution I am voting for today fulfills the House's obligations under the Constitution and the Independent Counsel law. It establishes a process by which the Judiciary Committee would first thoroughly and comprehensively review the constitutional standard for impeachment of the President. If the Committee determined that the Independent Counsel's referral could constitute grounds for impeachment, the Committee would then move to an inquiry stage in which it would fully and completely determine whether to recommend to the House that grounds exist for the House to exercise its constitutional power to impeach the President. If the Committee did not recommend impeachment to the House, this resolution would allow the Judiciary Committee to consider alternative sanctions or to recommend no action at all. It is also important to note that this resolution, while limiting the scope of the current inquiry to the Independent Counsel's referral, recognizes that the House would have to consider—as required under the Independent Counsel statute—any additional referral subsequently forwarded by the Office of the Independent Counsel. In short, this resolution neither forecloses a broader inquiry should one be warranted, nor does it presume that one may be needed, as the majority's resolution would do.

That said, I believe it is terribly important, given the circumstances, that Congress should seek to determine whether there is serious injury to the system of Government. But this does not mean that we should have an open ended inquisition. The alternative resolution does not preclude investigating other matters when they are referred. It only means that for now, we should investigate what Judge Starr has referred to the Congress and proceed expeditiously and, above all, fairly.

Mr. Speaker, we should remember that the Framers of the Constitution did not see impeachment as punishment. Impeachment is a vehicle by which to remove a threat to the nation's laws and to restore its political and legal health. We cannot let our collective anger get in the way of our official duties to the nation. If it is our anger that we want to express, we have several options and we can debate those at a later date. But we have a very serious

and terribly important duty to uphold and defend the Constitution, not only from foreign enemies, but from our own destructive impulses as well.

Before we proceed with this inquiry, we should determine what, in fact, constitutes an impeachable offense. Determining what are impeachable offenses will help the Congress to expedite this inquiry. Also, if evidence exists that warrants impeachment, we will be able to build the strongest case possible against the President. No President, today or in the future, should be impeached on accusations that amount to death by a thousand cuts. Rather, he should be impeached on the most serious, most tragic misconduct against the state.

The consequences of wringing our collective hands over this issue for the remainder of the Clinton Presidency are enormous and dire. First, the international financial crisis that has ravaged economies in Asia, Russia, and South America is slowly making its way to our borders. This crisis has produced consequences not seen in 65 years, since the Great Depression: deflation, mass unemployment, and currency devaluations. We should be working to fix the problems associated with unregulated capital markets. Second, there are a host of foreign policy challenges that we are not addressing as a result of our attention to this issue—in Kosovo, the Middle East, North Korea, and Iraq.

Above all, whatever action we take must stand the test of time. History will not shine brightly on the 105th Congress if we are wrong about how we proceed. Therefore, Mr. Speaker, I urge my colleagues to support the alternative motion, to authorize an immediate inquiry by the Judiciary Committee into the Starr referral and report back its findings and recommended actions no later than December 31, 1998 so that we may put this sordid chapter of American History behind us and continue to move the nation forward.

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Mr. CONYERS. Mr. Speaker, I would like to continue with apologies to recognize my colleagues on this side for 20 seconds each: The son of our friend HAROLD FORD, the gentleman from Tennessee (Mr. FORD, Jr.), the gentleman from Pennsylvania (Mr. FATTAH), the gentleman from Massachusetts (Mr. TIERNEY).

Mr. Speaker, I yield 20 seconds to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, some of my colleague on that side of the aisle do not like our President. Some of my colleagues on this side of the aisle may not like the Speaker. Some of my colleagues on that side of the aisle may not like other colleagues of theirs, and those on this side the same.

But that does not give us the grounds to launch an impeachment inquiry. Let us do the fair thing, I say to the gentleman from Illinois (Mr. HYDE). Let us do the right thing.

We all want an inquiry. We all think it is the fair thing to do. But put some time limits, some scope limits. Do the right thing for America. We did it for the Speaker. Do it for this President.

Mr. CONYERS. Mr. Speaker, I yield 20 seconds to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Speaker, I think that we all should understand that the American public are not just going to be mere spectators in this masquerade, since we are getting close to Hal-loween, I guess we want to get there earlier, of a legitimate inquiry.

This Congress has conducted dozens upon dozens of investigations of Bill Clinton and his administration. Not one of them would any objective person say has been fair or nonpartisan, and this will not be. But if we got to impeach this President or force him from office, there will be economic consequences for the American people. Let them in on this big secret that they will not just be spectators if we carry on with this charade.

Mr. CONYERS. Mr. Speaker, I yield 20 seconds to the gentleman from Massachusetts (Mr. TIERNEY).

(Mr. TIERNEY asked and was given permission to revise and extend his remarks.)

Mr. TIERNEY. Mr. Speaker, the Committee on the Judiciary was asked on September 11 to review the communication received on September 9 to determine whether sufficient grounds exist to recommend to the House that an impeachment inquiry be commenced. We did not ask to go beyond what was in that report, but this is what the other party seeks to do.

We asked them to define the standard of what was an impeachable offense and measure against that what was in that report, and they have not done that on the committee. This was to be done before we got here today. We now need a fair process, Mr. Speaker. Let us hope we can get on with that type of process.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GREEN).

(Mr. GREEN asked and was given permission to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, I rise to oppose the open ended investigation and support a limited one.

Mr. Speaker, the overturning of an election in a democracy should not be taken lightly. Our country's history in presidential impeachment inquiries is limited due to the seriousness of overturning an election.

The President's conduct cannot be defended, and I have not done so. Like most Americans, I believed the President last January when he misled and lied to us. I was disappointed with the President's behavior and I will not defend his actions.

The House Judiciary Committee has recommended the beginning of an inquiry into impeachment of the President. This resolution is not limited in scope or time. The Independent Counsel's office has submitted one report based on the Lewinsky allegations while the Judiciary Committee, on a partisan vote, wants an inquiry that is broad-based and not limited in time. We should provide limits to any inquiry that potentially will overturn an election.

One of our founding fathers, George Mason, said that the phrase "high crimes and misdemeanors" refers to presidential actions that are great and dangerous offenses, or attempts

to subvert the Constitution." Alexander Hamilton, in the Federalist Paper Number 65, wrote that "Impeachable offenses relate chiefly to injuries done immediately to society itself." An impeachment should only be undertaken for serious abuse of official power or a serious breach of official duties. The impeachment process should never be used as a legislative vote of no confidence on the President's conduct or policies.

This week I had the opportunity to listen to many constitutional scholars. Attached is a letter from some of them that provides the basis to oppose an unlimited inquiry.

OCTOBER 2, 1998.

Hon. NEWT GINGRICH,

Speaker, U.S. House of Representatives.

DEAR MR. SPEAKER: Did President Clinton commit "high Crimes and Misdemeanors" for which he may properly be impeached? We, the undersigned professors of law, believe that the misconduct alleged in the Independent Counsel's report does not cross that threshold.

We write neither as Democrats nor as Republicans. Some of us believe that the President has acted disgracefully, some that the Independent Counsel has. This letter has nothing to do with any such judgments. Rather, it expresses the one judgment on which we all agree: that the Independent Counsel's report does not make a case for presidential impeachment.

No existing judicial precedents bind Congress's determination of the meaning of "high Crimes and Misdemeanors." But it is clear that Members of Congress would violate their constitutional responsibilities if they sought to impeach and remove the President merely for conduct of which they disapproved.

The President's independence from Congress is fundamental to the American structure of government. It is essential to the separation of powers. It is essential to the President's ability to discharge such constitutional duties as vetoing legislation that he considers contrary to the nation's interests. And it is essential to governance whenever the White House belongs to a party different from that which controls the Capitol. The lower the threshold for impeachment, the weaker the President. If the President could be removed for any conduct of which Congress disapproved, this fundamental element of our democracy—the President's independence from Congress—would be destroyed.

It is not enough, therefore, that Congress strongly disapprove of the President's conduct. Under the Constitution, the President cannot be impeached unless he has committed "Treason, Bribery, or other high Crimes and Misdemeanors."

Some of the charges laid out in the Independent Counsel's report fall so far short of this high standard that they strain good sense; for example, the charge that the President repeatedly declined to testify voluntarily or pressed a debatable privilege claim that was later judicially rejected. These "offenses" are not remotely impeachable. With respect, however, to other allegations, the report requires careful consideration of the kind of misconduct that renders a President constitutionally unfit to remain in office.

Neither history nor legal definitions provide a precise list of high crimes and misdemeanors. Reasonable people have differed in interpreting these words. We believe that the proper interpretation of the Impeachment Clause must begin by recognizing treason and bribery as core or paradigmatic instances, from which the meaning of "other high Crimes and Misdemeanors" is to be extrapolated. The constitutional standard for

impeachment would be very different if, instead of treason and bribery, different offenses had been specified. The clause does not read, "Arson, Larceny, or other high Crimes and Misdemeanors," implying that any significant crime might be an impeachable offense. Nor does it read, "misleading the People, Breach of Campaign Promises, or other high Crimes and Misdemeanors," implying that any serious violation of public confidence might be impeachable. Nor does it read, "Adultery, Fornication, or other high Crimes and Misdemeanors," implying that any conduct deemed to reveal serious moral lapses might be an impeachable offense.

When a President commits treason, he exercises his executive powers, or uses information obtained by virtue of his executive powers, deliberately to aid an enemy. When a President is bribed, he exercises or offers to exercise his executive powers in exchange for corrupt gain. Both acts involve the criminal exercise of presidential powers, converting those awful powers into an instrument either of enemy interests or of purely personal gain. We believe that the critical, distinctive feature of treason and bribery is grossly derelict exercise of official power (or, in the case of bribery to obtain or retain office, gross criminality in the pursuit of official power). Nonindictable conduct might rise to this level. For example, a President might be properly impeached if, as a result of drunkenness, he recklessly and repeatedly misused executive authority.

The misconduct of which the President is accused does not involve the derelict exercise of executive powers. Most of this misconduct does not involve the exercise of executive powers at all. If the President committed perjury regarding his sexual conduct, this perjury involved no exercise of presidential power as such. If he concealed evidence, this misdeed too involved no exercise of executive authority. By contrast, if he sought wrongfully to place someone in a job at the Pentagon, or lied to subordinates hoping they would repeat his false statements, these acts could have involved a wrongful use of presidential influence, but we cannot believe that the President's alleged conduct of this nature amounts to the grossly derelict exercise of executive power sufficient for impeachment.

Perjury and obstructing justice can without doubt be impeachable offenses. A President who corruptly used the Federal Bureau of Investigation to obstruct an investigation would have criminally exercised his presidential powers. Moreover, covering up a crime furthers or aids the underlying crime. Thus a President who committed perjury to cover up his subordinates' criminal exercise of executive authority would also have committed an impeachable offense. But if the underlying offense were adultery, calling the President to testify could not create an offense justifying impeachment where there was none before.

It goes without saying that lying under oath is a serious offense. But even if the House of Representatives had the constitutional authority to impeach for any instance of perjury or obstruction of justice, a responsible House would not exercise this awesome power on the facts alleged in this case. The House's power to impeach, like a prosecutor's power to indict, is discretionary. This power must be exercised not for partisan advantage, but only when circumstances genuinely justify the enormous price the nation will pay in governance and stature if its President is put through a long, public, voyeuristic trial. The American people understand this price. They demonstrate the political wisdom that has held the Constitution in place for two centuries when, even after

the publication of Mr. Starr's report, with all its extraordinary revelations, they oppose impeachment for the offenses alleged therein.

We do not say that a "private" crime could never be so heinous as to warrant impeachment. Thus Congress might responsibly determine that a President who had committed murder must be in prison, not in office. An individual who by the law of the land cannot be permitted to remain at large, need not be permitted to remain President. But if certain crimes demand immediate removal of a President from office because of their unspeakable heinousness, the offenses alleged against the President in the Independent Counsel's referral are not among them. Short of heinous criminality, impeachment demands convincing evidence of grossly derelict exercise of official authority. In our judgment, Mr. Starr's report contains no such evidence.

Sincerely,
Jed Rubinfeld, Professor of Law, Yale University.

Bruce Ackerman, Sterling Professor of Law and Political Science, Yale University.
Akhil Reed Amar, Southmayd Professor of Law, Yale University.

Susan Bloch, Professor of Law, Georgetown University Law Center.

Paul D. Carrington, Harry R. Chadwick Sr. Professor of Law, Duke University School of Law.

John Hart Ely, Richard A. Hausler Professor of Law, University of Miami School of Law.

Susan Estrich, Robert Kingsley Professor of Law and Political Science, University of Southern California.

John E. Nowak, David C. Baum Professor of Law, University of Illinois College of Law.
Judith Resnik, Arthur L. Liman Professor, Yale Law School.

Christopher Schroeder, Professor of Law, Duke University School of Law.

Suzanne Sherry, Earl R. Larson Professor of Law, University of Minnesota Law School.
Geoffrey R. Stone, Harry Kalven, Jr. Dist. Serv. Professor & Provost, University of Chicago Law School.

Laurence H. Tribe, Tyler Professor of Constitution Law, Harvard University Law School.

Note: Institutional affiliations for purposes of identification only.

I urge a yes vote for a limited and specific inquiry and a no vote on the open-ended, partisan Judiciary Committee inquiry. Our nation is more important than an individual or political party.

THE SPEAKER. The gentleman from Michigan (Mr. CONYERS) has 8¼ minutes remaining. The gentleman from Illinois (Mr. HYDE) has 8 minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from New York (Mrs. LOWEY), then I yield 20 seconds to the gentleman from Tennessee (Mr. CLEMENT), then I yield 20 seconds to the gentleman from Georgia (Mr. LEWIS), our deputy whip of the House, if you please.

Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, my colleagues, the people of the United States are wise and fair. They understand that the President's conduct, the President's lies, the President's behavior was wrong and immoral and reprehensible. But they are wise.

I want to appeal to my colleagues as a woman, as a mother, as a grandmother, and as a lawmaker, let us have a formal rebuke of this behavior, but then let us move forward in this House, because I want to make it very clear that we believe it is immoral not to be rebuilding our schools, not to be taking care of our children, not it be focusing on health care, and not to preserve Social Security and Medicare.

Mr. CONYERS. Mr. Speaker, I yield 20 seconds to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, the President of the United States has the toughest job on the face of the earth. We cannot indefinitely keep this open and keep it going into next year. The economy is at stake; we know that. The economy is unraveling now; we know that. How can we neglect it?

We also know there are a lot of regional and ethnic problems in this world. We need to focus on that. We do not need to be preoccupied with Monica or anything else. We need to get on with the business at hand. Let us move forward.

Mr. CONYERS. Mr. Speaker, I yield 20 seconds to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, we should be standing here debating the future of Social Security. We should be standing here debating health care. We should be standing here debating education for our children and how we can protect the environment.

Instead, we are participating in a political charade. Republicans want to do what they could not do in an election, defeat Bill Clinton. I have news for my colleagues, the American people are watching. Beware the wrath of the American people, Mr. Speaker, beware.

Mr. HYDE. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentleman from California (Mrs. BONO).

Mrs. BONO. Mr. Speaker, I am going to start with a personal story. People constantly ask me where do I get the strength to be a Member of Congress at this difficult time in my life. I have to tell my colleagues that the strength boils down to a day in Lake Tahoe still. I had to kneel down before my two children, Cesare and Chianna, and tell them about the death of their father. While they looked at me, it was through their eyes that they gave me the strength that I needed to go on and do the right thing.

I think it is now the time that we, perhaps, look at all of our children's eyes. Look at their eyes for the strength that we need to go forward and to do the right thing.

This is about the truth, and it is about the Constitution. But the Constitution is based upon truth. I think all of this perhaps is nothing more than the noise of we are being dragged and kicking our way to the truth. That is what it is about is the truth.

I do believe that once we get to the truth, all of this will converge, Democrats, Republicans, the spin in fact,

polling data, and reality. It will all converge. When we have that, perhaps this will end up being nothing more than the sound that is made when a leader falls off of his pedestal. Perhaps it will be a lot more than that.

But I say the only way we can get to this quickly is to vote for the Committee on the Judiciary resolution and put this work behind us.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. DINGELL).

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, in the beginning I want to make two things clear. First I do not defend the President's actions in the Lewinsky matter. He says they are wrong, I agree. Second, the matter of the impeachment process must be conducted in a manner which is fair, expeditious, and completely open.

Do these proceedings offered us in the Republican proposal meet these tests? Clearly, No.

In less than one hour Democrats are supposed to be able to discuss questions which rank in Constitutional importance with the declaration of war—the impeachment of a President and setting aside a presidential election, in which the people chose their President is before us.

We function under a gag rule. We are denied opportunity for the people to have this matter properly discussed in their Congress.

In one hour Minority members are to discuss a great Constitutional question, impeachment of a President—unlimited time to be spent on an investigation, unlimited personnel to be deployed, no limits as to money to be spent, no limits on the breadth and sweep of the investigation. All to be done under a gag rule!

At issue here is not whether the House will convene an impeachment proceeding. Before us is whether it will be fair, open and expeditious.

We have the referral of Mr. Starr. In that document he says he has put forward all information then available to justify impeachment.

I note Mr. Starr has spent over four years, forty million dollars, the time of scores and possibly hundreds of Federal law enforcement officers and other government employees and the full authority of the Federal Government.

I also note that another prior Special Prosecutor, Starr's predecessor, spent two years and \$20 million, and found no wrong doing.

Mr. Starr, then, finds, after prodigious effort and expenditure of funds, the substance reported in his referral.

There he finds nothing now, except improper sexual activity, on which he reports in extensive, and in nauseating detail.

I insisted that all this be published in full, since it is regrettably the people's business.

If you listen to the people, they are telling you they want the matter brought to a speedy end.

It can be ended speedily, and it should be. It will not take more than until year's end to go thoroughly into the full of Mr. Starr's referral, in whatever detail the Judiciary Committee wishes.

If they find more, or wish to inquire further, the Judiciary Committee can return and with

proper request procure such additional authority as they require to carry out their function. No one will gainsay them.

I have supported this inquiry until now. I believe such inquiry should go forward, properly.

I do not however believe we should have an unlimited inquiry, without constraints, and with an unlimited budget.

The Republican resolution authorizes a partisan witch hunt, not a responsible inquiry.

Vote against the partisan Republican resolution, vote for the Minority's resolution for a proper inquiry. It is fair, expeditious and open.

The people are watching.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. STENHOLM).

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, I rise in support of and encourage bipartisan support of both the motion to recommit and final passage.

In spite of the countless words which already have been spoken and written about the vote before us today, I feel compelled to clarify what this vote is and what it is not.

First, this is not a vote about guilt or innocence, primarily of President Clinton or, as some have recommended, of Kenneth Starr. While Members cannot be expected to be void of personal opinion, I believe those who already have made public declarations of guilt or innocence in this case have been both premature and negligent in their constitutional responsibilities.

Second, this is not a vote about punishment or the specific punishment of impeachment. Unfortunately, the media frenzy about this action has confused many citizens who believe the House is voting today for or against impeachment. We are not. At this point, it is entirely unpredictable what the ultimate outcome of this process will be. What is clear is that the Constitutional standard of impeachable offenses is a high and serious one.

Third, this vote is not about the election coming up in less than four weeks. I have been amused by reporters quizzing me in the past week about the degree to which political concerns enter into my votes today. I would like to know how they think any vote has a political advantage in a District, such as mine, which is split right down the middle on each question of impeachment, resignation, censure or discontinued all action. No, my votes today are not about politics and reelection.

What we are voting on is of the highest, most serious nature. We must cast votes which can stand through time, votes which we can defend today, next week, next year, and for the rest of our lives. Every member must not only feel free to vote his or her conscience, as has been mentioned several times today, but they must feel obligated to do so.

For me, that means doing all that I can to create an environment of fairness, justice, and stability for our Country. That is why I am supporting the motions which allow us to move forward toward those goals.

While my constituents have differing opinions about what should happen next in this process, they are united in one desire: to have this unfortunate episode moved out of the present preoccupation and into past history. I believe that as a Nation we will not be able to move on to other pressing issues until we

have properly cleared the air, until Constitutional scholars have dissected and debated the Constitutional questions, until Members have been given a chance to evaluate the merits of various responses, and until the public has confidence that fairness and justice has been served.

I am proud of my party for working together to construct a motion which addresses concerns I had about the earlier motion. The scope has been expanded to permit additional referrals from the Independent Counsel, a critical amendment in my opinion. Second, while accepting the reasonable end-of-the-year time goal already suggested by Chairman HYDE, the Democratic motion also acknowledges the limitations of one Congress mandating behavior by a subsequent Congress. Further, the motion expressly states that if the Judiciary Committee is unable to complete its assignment within this time frame, a report requesting an extension of time will be in order. Thus, there is no arbitrary time limit included in this motion.

But knowing that as the minority party this motion is unlikely to prevail today, I am also prepared to vote for the base motion which can pass and allow our Nation to progress to the next necessary step of the process which will allow healing to begin. This resolution provides the Judiciary Committee with a great deal of authority but a great deal of responsibility as well.

I offer my vote in good faith, taking the gentleman from Illinois, Chairman HYDE, at his word. By doing so as a minority Member, I believe that I can serve to help keep this process honest. Having shown my good faith by this vote, I also stand alert to object loudly if the process is then abused with partisan gamesmanship. Such abuse, by either side, has no place in this matter.

I support both of the motions before us today and encourage my colleagues on both sides of the aisle to do likewise.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. VENTO).

(Mr. VENTO asked and was given permission to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, I support the motion to recommit, and I am opposed to the resolution.

Mr. Speaker, today's debate and the decision to move ahead with an inquiry of impeachment is a decision that we must address and which has taken four long weeks to make its way to the House Floor. Personally, I am deeply saddened by the President's conduct, but it is time for us to get on with the task. Looking into the details of the President's personal life is not an issue with which Congress should need to be involved. This is a view that many of our constituents share. We have heard and read too much on this matter. We know what we need to know, perhaps even more than we should know with regards to some details. It is time to move forward as expeditiously as possible so that we can return to the business of our nation and the people's concerns.

While we debate this resolution and move forward with an inquiry, other pressing matters that affect the everyday lives of our constituents go unanswered. Today, at this late date, the federal government is operating without a

budget; funding legislation for most government agencies and programs remains in a Congressional gridlock; the President's initiative to improve our children's education by lowering classroom size is ignored; the tobacco settlement is blocked by special interests; and there is no time to address the growing health care crisis, the expulsion of hundreds of thousands of seniors from HMOs, and the HMOs' continued high handed policies that short change consumers and dictate to doctor and patient alike. About the only issues that the House seems to have time for are more investigations of the President and election year posturing for special interest tax breaks and anti-environmental riders. It is time for this House to move forward and address the issues that matter, helping the American people to help themselves.

I support the Democratic alternative to conduct the inquiry. This Democratic alternative limits the scope of the inquiry to the report submitted by Mr. Starr and establishes a workable time frame, requiring Committee action to be completed by the end of December. The Office of Independent Counsel (OIC) issued a report on September 11 with specific allegations. We are compelled to review this report and the supporting documentation to determine their validity. What we must not do is to adapt a resolution of inquiry which will hand over the O.I.C. the ability to superimpose the Starr agenda of continual referrals upon this House essentially subverting the Legislative Branch controlling the work and agenda of Congress to their end, the people's house controlled.

This Democratic alternative is a sound and fair framework which sets out an orderly process to assess whether the allegations meet the test of the Constitution first, and then and only then to proceed to determine the validity of such allegations.

Mr. Speaker, the American people are divided about what steps should be taken on this matter. Some have called for the impeachment of the President, others favor censure, while still others believe that the President's personal life should not be the concern of Congress or the OIC. Regardless of their views, however, the American people want this issue resolved and put behind us as quickly as possible. The Democratic alternative best meets that goal by establishing the proper scope and time frame to bring this matter to a deliberate and orderly conclusion.

Consideration of any impeachment resolution or inquiry is a serious matter. It is a Constitutional responsibility which I take very seriously. However, acting responsibly should not be equated with an open-ended, unfocused inquiry. The information that supposedly justifies this inquiry has been submitted by the OIC and is already available to the Committee and to the House. Requiring the Judiciary Committee to act by the end of November is a responsible time frame which allows more than enough time to consider the charges and to make a final recommendation. If new information comes to light or more time is required, that request could be accommodated at that point in time.

Any inquiry should be focused solely on the matters already submitted by Independent Counsel Starr. Mr. Starr and his staff had over 4½ years and \$44 million to investigate virtually every aspect of the President's life and to track down every rumor in Washington,

D.C., Arkansas and who knows where else. The result of that exhaustive investigation is the Independent Counsel's report and the boxes and boxes of information that he has submitted to the House. The extraordinary report, which repeatedly and redundantly outlines the allegations in vivid detail, has been publicly available for a month and spread across the land.

This report should be the sum and substance of our focus. The OIC report is where the matter should end and not be the opening for an impeachment inquiry that rehashes every House investigation and every rumor spread over the past six years of the President's term. In itself, the OIC report justifies this limitation. If after nearly five years and \$45 million, the OIC did not forward the information to the House, it should not now be raised. Nor should Mr. Starr put this nation through endless impeachment inquiries and debate with each new focus or chapter in his investigation, stringing this matter out even further. Starr has had an opportunity to put his best case forward to Congress and the American people this September. The Starr Report, in all its explicit detail, was regrettably made public without Congress even screening the material and without giving the President an opportunity to respond. It is now time for Congress to act and with such action the Starr investigation of the President should come to a close. The American people want and deserve a break from this constant drum beat of investigations and leaks. This Congressional House, the People's Body, should get back to the business which the people sent us to address.

Finally, Mr. Speaker, the claim today of non-partisan conduct is laudable but actions speak louder than words. This resolution leads this House down a path of partisan inquiry and hearings, no limits on the topics or scope, no time or date to complete. Good intentions and claims of good faith should be backed up with text and within context.

Justice delayed is justice denied and this House has a responsibility to make a decision, but today the rule of law is being abused and twisted to serve as a Republican spring board to persecute not pursue facts and conclude, but rather partisan advantage. Certainly this inquiry need not be conducted this way. Fairness, focus, deliberation and expeditious action ought to be our goal and guide, to get to work and get on with it, not to dribble out and follow every rumor over the next year. The House should demand that the Starr report and allegations put up their best case now or shut down this five year inquisitionlike process. The formula we have in this motion is proposition to make no decision, it makes me wonder whether the President's accusers have the courage of their conviction to actually vote for a process that will lead to a result or just procrastinate and duck the issue waiting.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut (Mrs. KENNELLY).

(Mrs. KENNELLY of Connecticut asked and was given permission to revise and extend her remarks.)

Mrs. KENNELLY of Connecticut. Mr. Speaker, I am against the open-ended high resolution.

Today I will vote for the Democratic alternative because it will allow us an orderly and

efficient process for evaluating the Starr Report. I will vote against the Republican proposal because it will provide the opposite—a lengthy, time-consuming, open-ended investigation that I do not think is in the best interest of the country.

All of us—members of this House and the public in general—know, basically, the facts of this situation. We understand what has happened, we may know, frankly, even more than we might wish. We have an obligation to consider the facts and to handle the issue. Dealing with the information already before us and coming to a conclusion by the end of this year seems completely reasonable to me.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Oregon (Ms. HOOLEY).

(Ms. HOOLEY of Oregon asked and was given permission to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, I rise in opposition to this never-ending impeachment inquiry resolution.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. GALLEGLY).

(Mr. GALLEGLY asked and was given permission to revise and extend his remarks.)

Mr. GALLEGLY. Mr. Speaker, I, without pleasure, rise today in support of the resolution.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 581.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FARR).

(Mr. FARR of California asked and was given permission to revise and extend his remarks.)

(Mr. FARR of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in opposition to the majority resolution.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. LIPINSKI).

(Mr. LIPINSKI asked and was given permission to revise and extend his remarks.)

Mr. LIPINSKI. Mr. Speaker, today, I will vote to start the formal inquiry into whether President Clinton should be impeached. The President's relationship with Monica Lewinsky was shameful, humiliating, and immoral, and his lying to the American people was deplorable and reprehensible. His

dishonesty created a breach of trust between the President and the American people, which I believe calls into question his ability to be an effective leader.

The President's alleged actions in trying to conceal the Monica Lewinsky affair may constitute an obstruction of justice. In addition, his deposition in the Paula Jones case, along with his testimony before the federal grand jury, may be construed as perjury.

There is enough evidence before us now that cannot be ignored. As Americans, we owe it to our constitutional government to move ahead with a full scale investigation that will ultimately be judged by the American people. We may be weary of this entire affair, but we have a responsibility to do our job as the Founding Fathers would have wanted us to. Laws may be broken and to ignore such possible transgressions is a crime against our constitution. This matter should be fully investigated by Congress and the American people.

There is no doubt this is a serious matter and a very difficult decision that should not be based on politics. This rises above partisan politics. This is about doing the right thing for our Republic.

For these reasons, I believe a thorough and complete investigation not limited by time and scope should be entered into by the House of Representatives.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. COSTELLO).

(Mr. COSTELLO asked and was given permission to revise and extend his remarks.)

Mr. COSTELLO. Mr. Speaker, the House today undertakes one of the most serious deliberations facing this Congress—whether to proceed with a process to impeach President Clinton. The report issued to this Congress by Independent Counsel Kenneth Starr—and the thousands of pages of additional documents containing related information—have provided Members of Congress with an opportunity to review the actions taken by the President and make an initial judgment.

There is information in the Starr Report that is very disturbing. I am greatly disappointed in the President's behavior and his affair with Monica Lewinsky. He has misled the American people by at first denying the affair and then admitting his transgressions. He has misled his family and the people who work for him by having them defend his denials. He has brought tremendous shame on the Presidency and the White House.

As disappointed as I am with President Clinton, I am also disappointed and disturbed by the conduct of the Independent Counsel, Kenneth Starr. I believe his investigation has produced leaks to the media which under our grand jury secrecy laws are illegal. I believe his investigators have intimidated witnesses and used questionable tactics to obtain information. Finally, his report is replete with salacious and unnecessary information that have disgusted the American people. I believe much of his investigation has been aimed only at embarrassing and weakening the President.

The question facing this Congress is whether the President's affairs with Monica Lewinsky merits his impeachment. The Independent Counsel has spent almost five years and \$50 million investigating the President. He has included what he believes to be the most serious allegations in his report; I have read this report: I have read the rebuttal of the White House and I have examined other relevant information sent to Congress by Kenneth Starr.

I have come to the judgment that the House should proceed with an impeachment inquiry but within a specific, limited amount of time. The Judiciary Committee has before it the product of the Independent Counsel. The Members of the Committee can finish their work and come to a judgment by the end of this year. If it means the Members of the House have to come back after Election Day to vote on a resolution of impeachment, then that is our duty.

I intend to vote for such a motion today on the House floor, and against the Hyde Resolution offered by the Republican Majority. The Republicans have crafted a resolution which includes no time limits, no boundaries, no scope. If their resolution is passed, we are looking at months and perhaps years of further investigation. In their partisan attempt to embarrass the President and make this an election issue, they have refused to allow an alternative to their resolution and permit only two hours of debate. It is an insult to our democratic process. Mr. Speaker, this investigation will become more partisan and political as time goes on.

There is much at stake as we consider this inquiry. We are facing a global fiscal crisis, a potential conflict in Central Europe involving Serbia and Albania, and continued problems here at home. The world is anticipating the leadership only America can provide. Are we prepared to squander the political prowess and leadership of the United States of America to further investigate the President's extramarital affair? Will millions of American continue to live in poverty and without health insurance as Congress wastes millions on more Lewinsky hearings?

Mr. Speaker, it is time to bring this investigation to a close. The American people want us to weigh the evidence presented in the Starr Report, allow the Judiciary Committee to go ahead and make a judgment by the end of the year, and recommend a decision to the full House. The House should then vote and get this matter behind us, so we can turn as a nation to address those other issues which are calling out for our focused leadership. That is why I intend to vote to reject the open-ended Republican resolution, and for the motion to set specific time limits and scope so we as a nation can bring this matter to an end.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. KIND).

(Mr. KIND asked and was given permission to revise and extend his remarks.)

Mr. KIND. Mr. Speaker, I rise today in support of the resolution offered by Mr. HYDE to begin an inquiry into allegations against the President of the United States. This decision does not come easily, but I believe that it is in the best interest of our nation. It is time to bring closure to this painful time in our history by conducting an open, fair and bipartisan in-

quiry to determine the facts in this case. Passage of the resolution will put in place a process to resolve this matter and allow Congress to move on and deal with the more pressing issues of the Country.

I am not entirely pleased with the resolution we have before us. I would like to see some time limits placed on the hearing so this matter does not drag out for an extended period of time. That is why I also support the Democratic amendment which places reasonable time limits on the process while allowing for an extension of the inquiry if new information is presented or it becomes clear that more time is needed to conduct a thorough hearing. There comes a time, however, when we must rely on the promises of members who are leading this effort. Chairman HYDE has promised that he will make every effort to finish this inquiry before the end of this year. Chairman HYDE is a man of great integrity and I am placing my trust in him and his commitment to conduct this inquiry in a fair, non-partisan and quick manner.

With passage of this resolution, we are embarking upon a very important Constitutional exercise that has seldom been used before. This is one of the greatest Constitutional responsibilities that members of Congress face. We must determine whether the conduct of the President rises to the level to justify removal from office and the paralyzation of our country for an extended period of time.

As a former prosecutor, I've placed my faith and trust in the law and the due process of law. We have a process in our Constitution which allow the Judiciary Committee to conduct an inquiry about allegations which may rise to an impeachable offense. I am willing to give the majority party, at this time, the benefit of the doubt that they can conduct this inquiry in a fair, quick and non-partisan manner. I believe that if we are going to have any credible closure to this investigation, it has to happen in a bipartisan manner.

My hope is based on the fact that when we begin this extremely important Constitutional responsibility, all members will make decisions based on what they feel are in the best interests of this country and for future generations rather than short term partisan gain. That is what the American people expect us to do.

The American people will decide the fate of this President, and, ultimately, they will be the judge and jury of the process we are about to embark upon. The authors of the Constitution placed the power of impeachment in the House of Representatives because it is the "people's House". Members of Congress must have the support of the public before we take action to overturn a national election.

I support this resolution with the confidence that Chairman HYDE will keep to his promise of conducting a fair, non-partisan and quick inquiry. Not only is the integrity and credibility of the Presidency at stake, but so is the integrity and credibility of the U.S. Congress. In the final analysis, our children and grandchildren will know, years from now, whether we did our Constitution and this great nation proud.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Ms. SLAUGHTER).

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I object that all Members of the House were not given enough time to speak.

CALL OF THE HOUSE

Mr. HYDE. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 496]

Abercrombie	Cubin	Hefner
Ackerman	Cummings	Herger
Aderholt	Cunningham	Hill
Allen	Danner	Hilleary
Andrews	Davis (FL)	Hilliard
Archer	Davis (IL)	Hinchee
Armey	Davis (VA)	Hinojosa
Bachus	Deal	Hobson
Baesler	DeFazio	Hoekstra
Baker	DeGette	Holden
Baldacci	Delahunt	Hooley
Ballenger	DeLauro	Horn
Barcia	DeLay	Hostettler
Barr	Deutsch	Houghton
Barrett (NE)	Diaz-Balart	Hoyer
Barrett (WI)	Dickey	Hulshof
Bartlett	Dicks	Hunter
Barton	Dingell	Hutchinson
Bass	Dixon	Hyde
Bateman	Doggett	Inglis
Becerra	Doolittle	Istook
Bentsen	Doyle	Jackson (IL)
Bereuter	Dreier	Jackson-Lee
Berry	Duncan	(TX)
Bilbray	Dunn	Jefferson
Bilirakis	Edwards	Jenkins
Bishop	Ehlers	John
Blagojevich	Ehrlich	Johnson (CT)
Bliley	Emerson	Johnson (WI)
Blumenauer	Engel	Johnson, E. B.
Blunt	English	Johnson, Sam
Boehlert	Ensign	Jones
Boehner	Eshoo	Kanjorski
Bonilla	Etheridge	Kaptur
Bonior	Evans	Kasich
Bono	Everett	Kelly
Borski	Ewing	Kennedy (MA)
Boswell	Farr	Kennedy (RI)
Boucher	Fattah	Kennelly
Boyd	Fawell	Kildee
Brady (PA)	Fazio	Kilpatrick
Brady (TX)	Filner	Kim
Brown (CA)	Foley	Kind (WI)
Brown (FL)	Forbes	King (NY)
Brown (OH)	Ford	Kingston
Bryant	Fossella	Klecza
Bunning	Fowler	Klink
Burr	Fox	Klug
Burton	Franks (NJ)	Knollenberg
Buyer	Frelinghuysen	Kolbe
Callahan	Furse	Kucinich
Calvert	Galleghy	LaFalce
Camp	Ganske	LaHood
Campbell	Gejdenson	Lampson
Canady	Gekas	Lantos
Cannon	Gephardt	Largent
Capps	Gibbons	Latham
Cardin	Gilchrest	LaTourette
Carson	Gillmor	Lazio
Castle	Gilman	Leach
Chabot	Gonzalez	Lee
Chambliss	Goode	Levin
Chenoweth	Goodlatte	Lewis (CA)
Christensen	Goodling	Lewis (GA)
Clay	Gordon	Lewis (KY)
Clayton	Goss	Linder
Clement	Graham	Lipinski
Clyburn	Granger	Livingston
Coble	Green	LoBiondo
Coburn	Greenwood	Lofgren
Collins	Gutierrez	Lowey
Combest	Gutknecht	Lucas
Condit	Hall (OH)	Luther
Conyers	Hall (TX)	Maloney (CT)
Cook	Hamilton	Manton
Cooksey	Hansen	Manzullo
Costello	Harman	Markey
Cox	Hastert	Martinez
Coyne	Hastings (FL)	Mascara
Cramer	Hastings (WA)	Matsui
Crane	Hayworth	McCarthy (MO)
Crapo	Hefley	McCarthy (NY)

McCollum	Pitts	Smith, Adam
McCrery	Pombo	Smith, Linda
McDade	Pomeroy	Snowbarger
McDermott	Porter	Snyder
McGovern	Portman	Solomon
McHale	Poshard	Souder
McHugh	Price (NC)	Spence
McIntosh	Quinn	Spratt
McIntyre	Radanovich	Stabenow
McKeon	Rahall	Stark
McKinney	Ramstad	Stearns
McNulty	Rangel	Stenholm
Meehan	Redmond	Stokes
Meek (FL)	Regula	Strickland
Meeks (NY)	Reyes	Stump
Menendez	Riggs	Stupak
Metcalfe	Riley	Sununu
Mica	Rivers	Talent
Millender-	Rodriguez	Tanner
McDonald	Roemer	Tauscher
Miller (CA)	Rogan	Tauzin
Miller (FL)	Rogers	Taylor (MS)
Minge	Rohrabacher	Taylor (NC)
Mink	Ros-Lehtinen	Thomas
Moakley	Rothman	Thompson
Mollohan	Roukema	Thornberry
Moran (KS)	Roybal-Allard	Thune
Moran (VA)	Royce	Thurman
Morella	Rush	Tiahrt
Murtha	Ryun	Torres
Myrick	Sabo	Towns
Neal	Salmon	Trafigant
Nethercutt	Sanchez	Turner
Neumann	Sanders	Upton
Ney	Sandlin	Velazquez
Northup	Sanford	Vento
Norwood	Sawyer	Visclosky
Nussle	Saxton	Walsh
Oberstar	Scarborough	Wamp
Obey	Schaefer, Dan	Waters
Oliver	Schaffer, Bob	Watkins
Ortiz	Scott	Watt (NC)
Owens	Sensenbrenner	Watts (OK)
Oxley	Serrano	Waxman
Packard	Sessions	Weldon (FL)
Pallone	Shadegg	Weldon (PA)
Pappas	Shaw	Weller
Parker	Shays	Wexler
Pascarell	Sherman	Weygand
Pastor	Shimkus	White
Paul	Shuster	Whitfield
Paxon	Sisisky	Wicker
Payne	Skaggs	Wilson
Pease	Skeen	Wolf
Pelosi	Skelton	Woolsey
Peterson (MN)	Slaughter	Wynn
Peterson (PA)	Smith (MI)	Yates
Petri	Smith (NJ)	Young (AK)
Pickering	Smith (OR)	Young (FL)
Pickett	Smith (TX)	

□ 1357

The SPEAKER. On this rollcall, 423 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

□ 1400

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

The SPEAKER. The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I yield myself 1½ minutes.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, to my Republican friends, sincerely, Gerald Ford has said that we must take the path back to dignity. I want that to weigh on the Members' hearts for this

next hour, because more is at stake than the President's fate.

"Moving with dispatch," Gerald Ford said, "the House Judiciary Committee should be able to conclude a preliminary inquiry into possible grounds for impeachment before the end of the year."

I think that we can do it. Our resolution calls for it. I have talked incessantly in private meetings with the gentleman from Illinois (Chairman HYDE) toward this end, and I hope that all of us will commit ourselves to that goal.

Mr. Speaker, I just want Members to know that in my view, the American people have a deep sense of right and wrong, of fairness and privacy. I believe that the Kenneth W. Starr investigation may have offended those sensibilities. Who are we in the Congress? What is it that we stand for?

Do we want to have prosecutors with unlimited powers, accountable to no one, who will spend a million dollars investigating a person's sex life, is that the precedent we are setting, who then haul them before grand juries, every person that they have known of the opposite sex, every person that they had contact with, and then record and release videos to the public of the grand jury questioning the most private aspects of one's personal life?

Please, I beg the Members not to denigrate this very important process in Article II, Section 4.

Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. BARNEY FRANK), a senior member of the Committee on the Judiciary.

Mr. FRANK of Massachusetts. Mr. Speaker, someone inaccurately, well-intended but inaccurately, said the Democrats were agreeing there should be an inquiry. No, let me define what we say. We accept the fact that the statutorily designated Independent Counsel sent us a referral, and we are obligated to look at it.

But what our resolution says is, let us first look at what he has alleged, and assuming that it is true, decide whether or not those things are impeachable. There is a very real question. If we look at the dismissal of the charge that Richard Nixon did not pay his income tax because it was a personal matter, that would suggest some of these are not impeachable.

If we get to the question of lying, in fact, both the Speaker and I have been reprimanded by this House for lying before official proceedings. That has not kept either of us from continuing to do our duty to our best possible. We will have to look at whether or not these are impeachable issues. But the question is, do we look at those, or do we look at a whole lot of other things.

I think my Republican colleagues fear that there is not enough in those accusations to meet the impeachment standard. That is why they refuse and refuse and refuse to limit it, to get into not just a fishing expedition, but the deep sea fishing expedition of White-water and the other matters.

Scope affects time. It is because they are holding out the hope that something will turn up after 4 years about Whitewater and the FBI files and the travel office and all of these other accusations that have to date proven to be dry holes for those trying to get Bill Clinton, they want to not limit the time because they need to keep it open.

Here is what that means in terms of time. Under our resolution, which calls for a December 31 deadline, we would begin work right away, on our time. This Congress is about to adjourn, and on our time, which would otherwise be not dealing with the public's business, we are ready to get into it.

Under their resolution, let me make it very clear to the Members, they have no real plans to do anything during October. We have read about that. They are not going to start until after the election. They are not going to start until 2 months after we got Kenneth Starr's report, because they think it will not play out well in the election, so vote for their resolution, and Members will find that the American people's time will be taken up again next year.

We are ready to do it now on our time and get it out of the way. They are asking us to give them a mandate to stretch it out, wait until after the election, and let it dominate next year, to our detriment, just as it has so far.

Mr. HYDE. Mr. Speaker, I am pleased to yield 2½ minutes to the distinguished gentleman from California (Mr. ROGAN), a member of the committee.

Mr. ROGAN. Mr. Speaker, first, in entering this debate, I consider it a great personal privilege to be allowed to follow two men for whom I have such profound respect, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Massachusetts (Mr. FRANK).

I want to say, as a Republican, that as we begin this procedure, I start with the presumption that the President is deemed innocent of any allegation of wrongdoing unless and until the contrary is shown. Every reasonable inference that can be given to the President must be given to the President.

It is unfortunate that some of today's rhetoric would suggest that this resolution seeks nothing more than to have a carte blanche opportunity for Congress to inquire into the President's personal lifestyle. Nothing could be further from the truth. However, it is our purpose, it is our legal obligation, to review any president's potentially constitutional misconduct within the framework of the Constitution and the rule of law.

When serious and credible allegations have been raised against any president, the Constitution obliges us to determine whether such conduct violated that President's obligation to faithfully execute the law. We must make this determination, or else forever sacrifice our heritage that no person is above the law.

This Congress must decide whether we as a Nation will turn a blind eye to allegations respecting both the subversion of the courts and the search for truth. Mr. Speaker, I fear for my country when conduct such as perjury and obstruction of justice is no longer viewed with opprobrium, but instead is viewed as a sign of legal finesse or personal sophistication.

This House has an obligation to embrace the words of one of our predecessors, Abraham Lincoln, who called on every American lover of liberty not to violate the rule of law nor show toleration for those who do.

Mr. Speaker, there is a difference between knowing the truth and doing the truth. We have an obligation to both, and we have that obligation, despite whatever personal or political discomfort it might bring. For as Justice Holmes once said, "If justice requires the truth to be known, the difficulty in knowing it is no excuse to try."

Let our body be faithful to this search, and in doing so, we will be faithful both to our Founders and to our heirs.

Mr. CONYERS. Mr. Speaker, I am proud to yield the balance of our time to the gentleman from Michigan (Mr. Dave Bonior) to close debate on our side.

The SPEAKER. The gentleman from Michigan (Mr. BONIOR) is recognized for 3 and three-quarters minutes.

Mr. BONIOR. Mr. Speaker, we gather today to make a serious decision. What the President did is wrong. He should be held accountable. Today we have an obligation to proceed in a manner that is fair, that upholds our constitutional duties, and allows us to get this matter over with so we can get on with the business of the American people.

Unfortunately, the Republican proposal meets none of these standards. It is unfair, it is unlimited, and it prolongs this process indefinitely. Under the Republican plan, Congress will spend the next 2 years mired in hearings, tangled in testimony, and grinding its gears in partisan stalemate. Today is just another example of that partisanship, that unbridled partisanship.

There are 435 Members that serve in this body, more on the floor today than I have seen in a long time, representing each about a half a million people. What has happened in this proceeding today? Two hours of debate, 2 hours, with Members having to go and beg for 20 seconds to talk to their constituency about one of the most important votes they will ever have to cast.

As the Speaker just said a few minutes ago, this is one of the most important debates that we will have. Why are hundreds of Members of this body being denied the opportunity to express themselves? This is a charade of justice. The American people, through this truncated debate, are being railroaded. Today's proceedings are a hit and run.

The Republican leadership's long-term strategy is very, very clear: Drag

this thing out week after week, month after month, and yes, year after year, not for the good of the country, but for their own partisan advantage. The Democratic amendment guarantees that any inquiry will be fair, that it will be limited, and that we will complete our work by the end of the year.

Mr. Speaker, the American people already have had all the sordid details they need, more than they ever wanted. Do we really want 2 more years of Monica Lewinsky, 2 more years of Linda Tripp, 2 more years of parents having to mute their TV sets so they can watch the 6 o'clock news? We in this Chamber have the power to stop this daily mudslide into the Nation's living rooms.

If the Republicans spend 2 years dragging this investigation out, when will they deal with education? If they spend 2 years dragging this investigation out, when will they deal with HMO reform? If they spend 2 years dragging this investigation out, when will they strengthen social security?

I urge my colleagues, let us put a limit, a limit on this investigation. Let us end it this year, this year. Let us get back to working for our children and our families and for our communities.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LEWIS).

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, I rise in support of the resolution.

Mr. DELAHUNT. Mr. Speaker, let me first express my affection and respect for my chairman, the Gentleman from Illinois, If Mr. HYDE says he hopes to complete this inquiry by the end of the year, I know he will do all he can to make good on that promise.

But if we adopt this resolution, the chairman's good intentions will not be enough to prevent this inquiry from consuming not only the remainder of this year but most of next year as well.

Nine days ago, I joined with Mr. BERMAN, Mr. GRAHAM and Mr. HUTCHINSON in a bipartisan letter asking Chairman HYDE and our ranking member, Mr. CONYERS, to contact the Independent Counsel—before we begin an inquiry—to ask him whether he plans to send us any additional referrals.

They wrote to Judge Starr on October 2, and I wish to inform the House that last night we received his reply. He said, and I quote, "I can confirm at this time that matters continue to be under active investigation and review by this Office. Consequently, I cannot foreclose the possibility of providing the House of Representatives with additional [referrals]."

There you have it, Mr. Speaker. Despite the fact that both Mr. HYDE and Mr. CONYERS had urged the Independent Counsel to complete his work before transmitting any referral to the House, what he has given us in essentially an interim report.

As the Starr investigation enters its fifth year, we face the prospect that we will begin our inquiry only to receive additional referrals in midstream. Under this open-ended resolution, each subsequent referral will become

part of an ever-expanding ripple of allegations. With no end in sight.

That is not a process, Mr. Speaker. It's a blank check. And I believe it's more than the American people will stand for.

They do not want us traumatizing the country and paralyzing the government for another year when we don't even know whether there is "probable cause" to begin an inquiry. And they don't want us abdicating our constitutional responsibility to an unelected prosecutor and accepting his referral on faith.

If we do that—if all a President's adversaries have to do to start an impeachment proceeding is secure the appointment of an Independent Counsel and await his referral—then we will have turned the Independent Counsel Act into a political weapon with an automatic trigger—a weapon aimed at every future President.

What the people want is a process that is fair. A process that is focused. And a process that will put this sad episode behind us with all deliberate speed.

The Majority resolution does not meet those standards. Our alternative does. It provides for the Judiciary Committee to determine first whether any of the allegations would amount to impeachable offenses if proven. Only if the answer to that question is "yes" would we proceed to inquire into whether those allegations are true. The entire process would end by December 31—the target date chosen by Chairman HYDE himself—unless the committee asks for additional time.

Mr. Speaker, that is a fair and responsible way to do our job. It is also the only way to ensure that when that job is done, the American people will embrace our conclusions, whatever they may be.

Mr. POMEROY. Mr. Speaker, as I have indicated repeatedly over the past weeks and months, President Clinton's conduct in having an improper relationship with Monica Lewinsky and not being truthful about it was wrong, plain and simple, and it has left me profoundly disappointed.

I believe the House Judiciary Committee should begin an inquiry into whether the report of Independent Counsel Kenneth Starr on these matters presents facts that warrant impeachment of President Clinton. The debate today in the House is not about whether to proceed with an impeachment inquiry. It is about how to proceed.

Because this is only the third time in our history that Congress has taken the step of initiating an impeachment inquiry against a President, it is vitally important that we proceed in a fair, deliberate and timely manner. We must always remember that our Founding Fathers did not intend the impeachment process to be an exercise in partisan wrangling to be pursued when the legislative and executive branches are controlled by different political parties. Instead, our Constitution establishes impeachment as a solemn and extraordinary removal process triggered only when grounds of "treason, bribery or other high crimes and misdemeanors" are established against a President.

It is critical to establish appropriate ground rules for this extremely rare and constitutionally significant proceeding. A proper inquiry must focus squarely on the matters raised by the Starr report, evaluate the constitutional standard for impeachment, weigh the sufficiency of the evidence, and reach a rec-

ommendation on the question of impeachment by the end of this year.

As our Nation's history has shown, an ongoing impeachment inquiry is incredibly disruptive to the normal functioning of our government. It is therefore imperative that the process be concluded as quickly as can reasonably be accomplished. North Dakotans and all Americans believe that we must return to the urgent policy matters before us—strengthening the quality of our schools, preserving Social Security, and assisting our family farmers.

The inquiry process advanced by the majority on the House Judiciary Committee is fatally flawed because it lacks focus, a careful process, and a clear end point. While an appropriate inquiry should proceed, a drawn out procedure designed to prolong scandal and achieve political advantage must not. I will vote today against the majority's inquiry resolution and instead to amend the inquiry process so that this very important constitutional proceeding is fair and expeditious, allowing all of us to return to the people's business.

Mrs. KILPATRICK. Mr. Speaker, today I rise to express my trepidation over the potentially ominous precedent that the impending impeachment proceeding may lay out for the annals of our nation's history. In expressing my concern, I cannot ignore the history which has placed this important resolution before this august body. My unease arises because it seems that after years of investigating White Watergate, Travelgate, Filegate and other events, the linchpin of the Independent Counsel's case are charges of perjury which emanate from a private lawsuit funded predominantly by the most conservative, political enemies of the President.

While there is no question that the President's conduct was reprehensible, I take great pause in the facts which have compelled the leader of the free world before the American corpus and bared him virtually raw. I take great pause in what this means to the office of the President and, for that matter, any other leader in American society who chooses public policy contradictory to powerful opponents.

While many here today speak to the "rule of law" they neglect another American ideal which frames the rule of law. A bulwark of the American psyche is our embrace of the principle of fairness. It is the spirit of fairness that gave birth to the bedrock principle of American jurisprudence that the punishment must be proportional to the offense. It is with these principles in mind, that I suggest to my dear colleagues, that as we vote today in the people's house, and as this process moves forward, we must use all due deliberation to ensure fairness, and that any punishment meted out fit closely with the President's transgressions.

Now the nation and we here in Congress must turn our attention to whether or not to proceed with an impeachment inquiry. And more importantly, we must focus on how we should proceed with an impeachment inquiry. In reviewing the proposals before Congress today, I state my support for the Democratic Amendment. The Democratic Amendment is focused, fair, expeditious and deliberate. By requiring the consideration of a constitutional standard for impeachment, and a fair comparison of the allegations in the context of the well deliberated standard, the Democratic Amendment will allow the Congress to resolve this terrible blight on our nation's history expedi-

tiously and decisively. The Democratic Amendment sets forth clear goals both for the scope and length of this investigation so as to prevent the further agony of dragging the country through a long and intrusive fishing expedition.

It is my fervent belief that the inappropriate actions of President Clinton do not rise to the standard of high crimes, treason, bribery or misdemeanors envisioned by the Framers of the Constitution. It is my sworn duty to protect the Presidency, and not the President. As such, it is my conclusion and the conclusion of most reasonable American citizens, that the last two elections must not be usurped by Congress. I cannot support a broad-based, infinite inquiry on the alleged actions of the President.

In summation, I will not support the further abuse of taxpayer dollars. I will not support a potentially unending fishing expedition based on facts that are no longer under dispute. I will not support this blatant pillage of the rights of all Americans. I will not support the Republican resolution to begin an impeachment inquiry upon our President. It is time for Members of Congress to stand up and protect our Constitution and reject this onerous precedent.

Mr. NUSSLE. Mr. Speaker, the question before us today is whether to look forward or look away.

After reading the referral Independent Counsel Kenneth Starr presented to the House of Representatives on September 9, 1998, and reviewing the materials made available to us since then, I believe there is enough information to continue on with an inquiry into the impeachment of the President.

Our colleagues on the House Judiciary Committee have already approved this resolution and believe a further investigation into the allegations against the President is appropriate. A vote in favor of this resolution by the full House will enable the House Judiciary Committee to proceed with their Constitutional obligations to conduct this investigation and make the necessary recommendations concerning the impeachment of the President.

I vote in favor of moving the process forward.

Mr. WEYGAND. Mr. Speaker, with a heavy heart and a clear conscience, I rise today to support the resolution commencing an impeachment inquiry into the President of the United States.

Congress and the American people are faced with a dilemma. On one hand, we are aware of admitted wrongdoings by the leader of our nation and on the other hand, we are faced with what I feel is overzealous and partisan conduct of the Independent Counsel. Both are wrong. We cannot and must not compromise our principles because of their lack of principles. We deserve a process which is independent of these two forces, so we can work responsibly on our duties as outlined by the Constitution.

My decision to vote in this manner was reached after self-examination and painstaking reflection on my own deeply held beliefs. This process is not one that I enter, nor should be entered into lightly and hope that we can work to make this inquiry progress smoothly and without partisanship, which has become all too commonplace in the House. Lately, I have been concerned over the overt partisan tone on both sides of the aisle. We cannot continue to view this process through politicians' eyes,

which have the tendency to become jaded by an individual's political beliefs. We cannot be cavalier and must be conscientious. As we continue this process, we must strive to be not only bi-partisan, but non-partisan because the framers of our Constitution and the people of our nation deserve nothing less.

We must remain focused on the true meaning of this action today. This vote is not a vote for impeachment nor does it authorize the removal of the leader of our nation from his post. This step today is taken so Congress can study if the admitted transgressions of the President warrant an official action or indictment by this chamber.

It is my sincere belief that this inquiry is the proper forum in which the House of Representatives can undertake its solemn responsibility of deliberating if any of the President's actions rise to the level of impeachment. I desire nothing more than to have a quick and resolute end to this distressing situation. I believe that ignoring the President's situation will force our nation to endure this pain even longer. I feel an inquiry serves as the best avenue for the President to provide his defense and for Congress to reach the deliberative end for which our nations yearns.

My preference would be to limit this inquiry, by setting a deadline and imposing limits on what the inquiry would cover. These parameters were offered by the Democrats and I support these reasonable efforts. I had hoped the Democratic alternative would be the roadmap that Congress would take for this inquiry. To my dismay, this effort failed. I support the underlying resolution.

As I have said, today's vote is not a vote to impeach the President. In fact, based on the knowledge I have today, I would not support an impeachment of the President. I have serious misgivings about the President's actions and am disappointed with the extremely poor choices he made.

Each session, Members of Congress face a great number of votes. Some of these votes are merely procedural while others are more weighty relating to crucial issues affecting the welfare of our nation. All of these votes, seem to pale in comparison to the vote we cast today. Barring a vote on the declaration of war, I believe this is one of the most important votes we are called to make. I am guided by my strong beliefs and distinct desire to move on with this inquiry and come to a thoughtful, quick and appropriate resolution.

Mr. HASTERT. Mr. Speaker, We stand at a solemn moment in our nation's history. Today, the House votes on a recommendation from the Judiciary Committee to proceed with a fair and judicious inquiry into the charges contained in the report from the Independent Counsel. Like most of the people on Illinois' 14th Congressional District, I am very sad about this whole situation, and I am concerned that the President's actions have harmed not only his own reputation, but the trust and confidence that people have in the Presidency.

We live in a dangerous world. And our economy, while good, is threatened by problems from abroad. In these times, we need leadership that people can trust if our democracy is to work. Confidence in government is built upon trust. Despite all the media hype and sensationalism, I believe the Judiciary Committee must calmly and professionally do its work and uncover the truth, because that is the only way we can put this matter behind us.

Sweeping the matter under the rug just won't work but that would be a disservice to the American people. We must stand up for the Constitution and the laws of our land.

Today, I will vote to allow the inquiry to begin so we can move quickly to uncover the truth. Every member of the Judiciary Committee, Republican and Democrat, voted for an investigation; they only disagreed on whether it should be artificially limited. The Committee must be free to follow all of the facts until they find the truth. I prefer not to set an arbitrary deadline because it will encourage those who do not want to get to the truth to run out the clock. Watergate Chairman Peter Rodino understood that, and that's why he rejected a time limit when Republicans sought one during the Watergate Hearings. I am satisfied with Chairman HYDE's commitment to try and get this matter resolved by the end of the year.

Much as we wish we could just jump to an end result, the Founding Fathers were wise in establishing a balanced and deliberative process. It is the only path to the truth—the lifeblood of our justice system and of our democracy. Today, we begin a process to uphold the rule of law and help the nation heal.

Mr. DELAHUNT. Mr. Speaker, I oppose the resolution of inquiry as reported by the Judiciary Committee. I do so based on the concerns expressed in the Minority's dissenting views, and for the additional reasons set forth below.

I

On September 9, 1998, Independent Counsel Kenneth W. Starr referred information to the House that he alleged may constitute grounds for impeaching the President. In the 30 days that have elapsed since our receipt of that referral, neither the Judiciary Committee nor any other congressional committee has conducted even a preliminary independent review of the allegations it contains.

In the absence of such a review, we have no basis for knowing whether there is sufficient evidence to warrant an inquiry—other than the assertion of the Independent Counsel himself that his information is “substantial and credible” and “may constitute grounds for impeachment.”

I believe that our failure to conduct so much as a cursory examination before launching an impeachment proceeding is an abdication of our responsibility under Article II of the Constitution of the United States. By delegating that responsibility to the Independent Counsel, we sanction an encroachment upon the Executive Branch that could upset the delicate equilibrium among the three branches of government that is our chief protection against tyranny. In so doing, we fulfill the prophecy of Justice Scalia, whose dissent in *Morrison v. Olson* (487 U.S. 654, 697 (1988)) foretold with uncanny accuracy the situation that confronts us.

II

The danger perceived by Justice Scalia flows from the nature of the prosecutorial function itself. He quoted a famous passage from an address by Justice Jackson, which described the enormous power that comes with “prosecutorial discretion”:

What every prosecutor is practically required to do is to select the cases . . . in which the offense is most flagrant, the public harm, the greatest, and the proof the most certain. . . . If the prosecutor is obliged to choose his case, it follows that he can choose his defendants. Therein is the most dan-

gerous power of the prosecutor: that he will pick people that he thinks he should get, rather than cases that need to be prosecuted. With the law books filled with a great assortment of crimes, a prosecutor stands a fair chance of finding at least a technical violation of some act on the part of almost anyone. In such a case, it is not a question of discovering the commission of a crime and then looking for the man who has committed it, it is a question of picking the man and then searching the law books, or putting investigators to work, to pin some offense on him. It is in this realm—in which the prosecutor picks some person whom he dislikes or desires to embarrass, or selects some group of unpopular persons and then looks for an offense, that the greatest danger of abuse of prosecuting power lies. It is here that law enforcement becomes personal, and the real crime becomes that of being unpopular with the predominant or governing group, being attached to the wrong political views, or being personally obnoxious to or in the way of the prosecutor himself. *Morrison*, 487 U.S. 654, 728 (Scalia, J., dissenting), quoting Robert Jackson, *The Federal Prosecutor*, Address Delivered at the Second Annual Conference of United States Attorneys (April 1, 1940).

The tendency toward prosecutorial abuse is held in check through the mechanism of political accountability. When federal prosecutors overreach, ultimate responsibility rests with the president who appointed them. But the Independent Counsel is subject to no such constraints. He is appointed, not by the president or any other elected official, but by a panel of judges with life tenure. If the judges select a prosecutor who is antagonistic to the administration, “there is no remedy for that, not even a political one.” 487 U.S. 654, 730 (Scalia, J., dissenting). Nor is there a political remedy (short of removal for cause) when the Independent Counsel perpetuates an investigation that should be brought to an end:

What would normally be regarded as a technical violation (there are no rules defining such things), may in his or her small world assume the proportions of an indictable offense. What would normally be regarded as an investigation that has reached the level of pursuing such picayune matters that it should be concluded, may to him or her be an investigation that ought to go on for another year. 487 U.S. 654, 732 (Scalia, J., dissenting).

Under the Independent Counsel Act, there is no political remedy at any point—unless and until the Independent Counsel refers allegations of impeachable offenses to the House of Representatives under section 595(c). At that point, the statute gives way to the ultimate political remedy: the impeachment power entrusted to the House of Representatives under Article II of the Constitution.

III

Section 595(c) of the Independent Counsel Act provides that:

An independent counsel shall advise the House of Representatives of any substantial and credible information which such independent counsel receives, in carrying out the independent counsel's responsibilities under this chapter, that may constitute grounds for an impeachment. 28 U.S.C. 595(c).

The statute is silent as to what the House is to do once it receives this information. But under Article II, it is the House—and not the Independent Counsel—which is charged with the determination of whether and how to conduct an impeachment inquiry. He is not our

agent, and we cannot allow his judgments to be substituted for our own. Nor can we delegate to him our constitutional responsibilities.

Never in our history—until today—has the House sought to proceed with a presidential impeachment inquiry based solely on the raw allegations of a single prosecutor. The dangers of our doing so have been ably described by Judge Bork, who has written that:

It is time we abandoned the myth of the need for an independent counsel and faced the reality of what that institution has too often become. We must also face another reality. A culture of irresponsibility has grown up around the independent-counsel law. Congress, the press, and regular prosecutors have found it too easy to wait for the appointment of an independent counsel and then to rely upon him *rather than pursue their own constitutional and ethical obligations*. Robert H. Bork, *Poetic Injustice*, National Review, February 23, 1998, at 45, 46 (*emphasis added*)

We must not fall prey to that temptation. For when impeachment is contemplated, the *only* check against overzealous prosecution is the House of Representatives. That is why—whatever the merits of the specific allegations contained in the Starr referral—we cannot simply take them on faith. Before we embark on impeachment proceedings that will further traumatize the nation and distract us from the people's business, we have a duty to determine for ourselves whether there is "probable cause" that warrants a full-blown inquiry. And we have not done that.

IV

What will happen if we fail in this duty? We will turn the Independent Counsel Act into a political weapon with an automatic trigger—a weapon aimed at every future president.

In *Morrison*, Justice Scalia predicted that the Act would lead to encroachments upon the Executive Branch that could destabilize the constitutional separation of powers among the three branches of government. He cited the debilitating effects upon the presidency of a sustained and virtually unlimited investigation, the leverage it would give to the Congress in intergovernmental disputes, and the other negative pressures that would be brought to bear upon the decision making process.

Whether these ill-effects warrant the abolition or modification of the Independent Counsel Act is a matter which the House will consider in due course. For the present, we should at least do nothing to exacerbate the problem. Most of all, we must be sure we do not carry it to its logical conclusion by approving an impeachment inquiry based solely on the Independent Counsel's allegations. If all a president's political adversaries must do to launch an impeachment proceeding is secure the appointment of an Independent Counsel and await his referral, we could do permanent injury to the presidency and our system of government itself.

V

If the House approves this resolution, it will not be the first time in the course of this unfortunate episode that

it has abdicated its responsibility to ensure due process and conduct an independent review. It did so when it rushed to release Mr. Starr's narrative within hours of its receipt, before either the Judiciary Committee or the President's counsel had any opportunity to examine it. It also did so when the committee released 7,000 pages of secret grand jury testimony and other documents hand-picked by the Independent Counsel—putting at risk the rights of the accused, jeopardizing future prosecutions, and subverting the grand jury system itself by allowing it to be misused for political purposes.

These actions stand in stark contrast to the process used during the last impeachment inquiry undertaken by the House—the Watergate investigation of 1974. In that year, the Judiciary Committee spent weeks behind closed doors, poring over evidence gathered from a wide variety of sources—including the Ervin Committee and Judge Sirica's grand jury report, as well as the report of the Watergate Special Prosecutor. All before a single document was released. Witnesses were examined and cross-examined by the President's own counsel. Confidential material, including secret grand jury testimony, was never made public. In fact, nearly a generation later it remains under seal. The Rodino committee managed to transcend partisanship at a critical moment in our national life, and set a standard of fairness that earned it the lasting respect of the American people.

Today the Majority makes much of the claim that their resolution adopts the language that was used during the Watergate hearings. While it may be the same language, it is not the same process. Too much damage has been done in the weeks leading up to this vote for the Majority to claim with credibility that it is honoring the Watergate precedent. But it is not too late for us to learn from the mistakes of the last three weeks. If we adopt a fair, thoughtful, focused and bipartisan process, I am confident that the American people will honor our efforts and embrace our conclusions, whatever they may be.

Mr. THORNBERRY. Mr. Speaker, I support the Resolution before us today. The bottom line question is: Should we investigate the allegations that have been made against the President. As someone has said, "Do we look further or do we look away." To fulfill the oath that each of us took, I believe that we must look further.

Some may try to change the subject by quibbling with the parameters of the inquiry or the lack of a time limit. Those are details—if not excuses—which do not change the fundamental question. The only precedent of modern times, the Watergate inquiry, is being followed.

Others seem to have concluded that even if all of the charges are true, it doesn't matter; they do not constitute an impeachable offense. Those Members are wrong. Perjury, obstruction of justice, abuse of power do matter—by anyone—and especially by the one person charged in the Constitution with executing the laws of the land.

We must fulfill our oath to the Constitution that we have sworn to "support and defend." We cannot stick our heads in the sand and wish this unpleasant duty away. We cannot pass along our responsibility to polls, the media, or the other body. We have to try to do

what is right, wherever that may take us, even if some of the facts are distasteful.

But, we must also remember that our response to these facts will help determine what kind of nation we will be in the future. Young people—and even those not so young—are watching. They are learning lessons—lessons about telling the truth, lessons about selfish, reckless behavior, lessons about self-discipline and responsibility. They are watching to see if we really mean what we say, whether actions really do have consequences. We can teach them good, constructive lessons, or we can teach them lessons of another kind.

How we all handle this episode—what we say about it and what we do about it—will affect how much trust people are willing to give their elected representatives and the institutions which have navigated us through more than 200 years of often treacherous waters. Even more importantly, however, how we handle this episode will affect the values and moral character of a whole generation of Americans.

There are important decisions to be made in Washington over the coming weeks, but there are even more important decisions to be made around the kitchen table in every American home. I pray we all make the right decisions.

Mr. RIGGS. Mr. Speaker, this is a historic moment. Only twice before in the history of our great Republic have we stood at the brink of such dramatic action concerning a sitting President. The burden upon us as Members of this House is great, and one that I do not take lightly. I know a majority of our colleagues feel the same way. The eyes of the nation are on us as we perform this duty with the best interests of our democracy at heart.

I rise today to urge bipartisan support of an impeachment inquiry into the very serious allegation of felony criminal conduct by the President of the United States. Our oath of office requires no less.

It has become clear over the last several months that the President lied under oath in the Paula Jones case, lied under oath to the grand jury, and after taking an oath to the nation—an oath in which he swore to uphold the Constitution and faithfully execute the law—he lied to the American people.

Our American government—our systems of laws—is based on truth. We all rely on our leaders to respect and uphold that system. The President of the United States is the chief law enforcement officer in our country, and when the chief law enforcement officer shows utter disregard for the truth and such little respect for the judicial process, it is no less than an assault on the rule of law. Congress cannot stand idly by. We have a prescribed Constitutional duty, as the people's representatives. The founding fathers charged us with the first step in this most solemn process. We do not sit in judgment today. Instead we are here to ensure that the President is held accountable for his actions in order to protect the dignity of the office he holds.

Equality is another principle fundamental to our nation, and one that Americans hold dear. Every person should be equal before the law. If any other American citizen lied in a civil deposition, as the President did—lied to a grand jury, as the President did—or refused to answer grand juror questions without asserting a Fifth Amendment privilege, as the President did—that citizen would be prosecuted, and that citizen would face certain punishment, including possible imprisonment. Should such

offenses be acceptable in a President? The answer is no.

But there are larger issues here than just narrow legal questions of perjury or obstruction of justice, Mr. Speaker. A President does not merely watch over the daily operations of the federal government. He is our leader, using his moral authority to guide our nation. A President has singular power to influence our history, set our agenda, and to send our sons and daughters into harm's way. There is a sacred trust which exists between the President of the United States and the people. When Bill Clinton made the decision to repeatedly lie and mislead the American people, he violated that trust and broke that faith. I believe he can no longer effectively lead our country or perform the duties expected of his office with that trust shattered. Long before we reached the point we are at today, the point of moving forward with an impeachment of the President, I joined many of my colleagues from both sides of the aisle in suggesting that Bill Clinton should do the honorable thing and resign. He could have ended this painful episode at the beginning of this year by telling the truth. But he made the decision to prolong this ordeal and continue to obfuscate, hiding behind veiled lies while parsing legal definitions. Seven months after shaking a finger at the American people and spending millions of taxpayer dollars in his defense, finally he begrudgingly admitted his lies.

Bill Clinton's dependence on strained, anguished legalisms continues to force the American people down the path of impeachment. The choice our President has left us with is clear: We can proceed with our Constitutionally mandated duty and move forward with this impeachment inquiry, or we can knowingly let dishonest, perjurious—possibly felonious—behavior slide in the highest office in our nation.

This resolution is the right course of action for the House to take today. It lays out a procedure that is fair and just, both to the President and to the members of his party here in the House. Now is not the time for partisanship. Some of my colleagues on the other side of the aisle have put forth their own resolution which would force any inquiry into an artificial time constraint, encouraging partisan stalling and bickering. We need to move ahead in a bipartisan, statesmen-like manner in this most grave of responsibilities. Chairman HYDE and the members of his Judiciary Committee have given us the vehicle to do that. I congratulate them on their hard work and evenhandedness. The American people and the Congress have been given unprecedented access to the facts, regardless of their political import, and now we must act on those facts.

It is with a heavy heart and a deep sense of responsibility to my office and to my constituents that I vote in favor of this resolution today.

Ms. ROS-LEHTINEN. Mr. Speaker, with a commitment to the principles of the rule of law which makes this country the beacon of hope throughout the world, I cast my vote in favor of the resolution to undertake an impeachment inquiry of the conduct of the President of the United States. As a Representative in Congress, I can do no less in fulfilling my trust responsibility to the Constitution and to all who have preceded me in defending the Constitution from erosions of the rule of law.

The impeachment inquiry is necessary to determine the facts surrounding the public

conduct of the President, including allegations of lying under oath, obstruction of justice, and conspiracy. The supporting evidence is clearly sufficient to warrant further investigation. Without further investigation, we would be ignoring the charges and clear preliminary evidence without cause or reason. The truth should be our only guide, and only a thorough investigation can produce the truth. Those who seek to avoid a thorough investigation are really seeking to avoid the truth.

These allegations of lying under oath, obstruction of justice, and conspiracy are not about private conduct, but instead about public conduct in our courts of law. Our courts of law and our legal system is the bedrock of our democracy and of our system of individual rights. Lying under oath in a legal proceeding undermines the rights of all citizens, who must rely upon the courts to protect their rights. If lying under oath in our courts is ignored or classified as "minor", then we have jeopardized the rights of everyone who seek redress in our courts. Lying under oath and obstruction of justice are ancient crimes of great weight because they shield other offenses, blocking the light of truth in human affairs. They are a dagger in the heart of our legal system and our democracy; they cannot and should not be tolerated.

We all know that "a right without a remedy is not a right". If we allow, ignore, or encourage lying and obstruction of justice in our legal system, then the rights promised in our laws are hollow. Our laws promise a remedy against sexual harassment, but if we say that "lying about sex in court" is acceptable or expected, then we have made our sexual harassment laws nothing more than a false promise, a fraud upon our society, upon our legal system, and upon women.

The Office of the Presidency is due great respect, but the President (whoever may hold the office) is a citizen with the same duty to follow the law as all other citizens. The world marvels that our President is not above the law, and my vote today helps ensure that this rule continues.

Mr. RILEY. Mr. Speaker, I rise in support of House Resolution 581 to begin an inquiry to determine whether to impeach the President. Mr. Speaker this is a historic day in the House. It is also a sad and solemn day. It is with great regret and respect that the House considers this resolution before us today.

Mr. Speaker, I sympathize with the plight of our friends across the aisle. Yes that's right they have my sympathy and my understanding. Twenty-five years ago when the Watergate facts became public, Republicans initially opposed efforts to move forward with impeachment proceedings against President Nixon. It took some time, but after examining the facts and laying aside partisan allegiances, Republicans came forward for the good of the country and joined with House Democrats to support the House proceedings regarding President Nixon and Watergate. That took courage, open mindedness, a sense of duty to the people those Members of Congress represented, and an understanding of the oath of office each one of them, and each one of us, has taken. It was the same oath taken by the President. It was an oath taken with our hands on the Bible and sworn before God.

Today, our colleagues across the aisle face the same issues we Republicans did twenty-five years ago. I think our colleagues are

wrong to oppose this resolution and wrong to attack the investigation and findings turned over to the House. But I understand their opposition. I have hope that, in time, after examining all the facts, evidence and allegations regarding President Clinton, they too will, for the good of the country, join us in moving forward with these proceedings to determine whether the President's action warrant removal from office. It is our constitutional duty to move forward today just like it was twenty-five years ago.

For those of my Democrat colleagues who support this resolution I say thank you. I look forward to working in a bipartisan matter to further investigate the charges against President Clinton and recommend a course of action for our colleagues in the other body. For those of my Democrat colleagues who oppose this resolution, I ask them to put aside politics. This issue is too important and too grave to proceed without you. I believe, in time, they too will understand the need to move forward and work together in a true bipartisan matter for the good of our country.

I urge my colleagues, support House Resolution 581. The American people deserve no less, and our responsibilities as Members of Congress preclude us from no less.

Mr. HOYER. Mr. Speaker, today we confront one of our most solemn responsibilities as Members of Congress, that of the question of impeachment of a President of the United States. In doing so, we consider embarking upon a task of the gravest consequence in democracy: the removal of the elected leader of our Nation by other than electoral process. We have considered this course on only two other occasions in the 209 year history of our Constitution and Government. It is plain that we should proceed judiciously and fairly in carrying out this duty.

Today's vote is how we should undertake this task. There are two proposals: The Republican proposal suggests that we authorize the Judiciary Committee to pursue an open ended investigation, consider all things that the Committee majority deems relevant for such time as that inquiry might take.

The Democratic proposal provides for the Judiciary Committee to pursue an analysis of the facts referred by the Independent Counsel and the law and to make such recommendations to the House as it deems appropriate after such review.

I shall vote for the Democratic proposal and against the Republican one. My constituents should know why.

First, I believe the President's conduct and public representations merit the disdain and deep disappointment, and, yes, even anger, of the American people. Having said that, I believe we must act according to the Constitution, the facts, and with a view to the precedents of history and the precedents we will establish for the future.

In many ways the situation that confronts us is unique. This matter comes to us from the Office of Independent Counsel after four and one-half years of extensive investigation, at a cost of over forty million dollars. In addition the House and Senate have themselves spent over ten million dollars and thousands of hours on hearings, depositions, investigation, and consideration of allegations against the President and his administration.

I believe the Republican proposal to undertake additional investigation and hearings is

not only unnecessary and redundant, it is also not in the best interests of our Country. I have stated before that I think this is the conclusion of the American public. Whatever action they favor, I believe they strongly support a prompt resolution so that whatever the outcome we can again focus on a public agenda reflecting the concerns, aspirations, and realities of our people's lives and our Country's in the international community. To do otherwise will jeopardize our future both in the short and long term. We must not continue to mire our public discourse in muck, ridicule, and nationally demeaning debate.

Secondly, I am convinced that we must decide whether the allegations contained in the referral from the Office of Independent Counsel, even if true, constitute impeachable offenses. It is clear that there is disagreement on that question among legal scholars.

The Republican resolution is clearly focused on procedures for further investigation and fact finding rather than a consideration of the information, allegations and conclusions referred by the Independent Counsel. It is difficult for me not to conclude that this is simply intended to prolong this matter for another year or two for political rather than Constitutional reasons. From circus-like delivery of the Counsel's report to the Congress the purpose of which, as quite obviously, to heighten public frenzy and expectation; to the almost immediate release of a salacious report designed, in my opinion, for sensationalism and to add to the debasement of the President, to the subsequent release of volumes of raw material for consumption by the public; to two days consideration weeks before a national election with the gag procedures imposed upon debate of the two alternatives, it is impossible to view these deliberations as either fair or judicious. Such action ill serves our Constitution or our Country. It is, I sadly lament, nevertheless, consistent with the totally partisan tenor of the leadership of this Congress.

The alternative resolution I will support provides that the Judiciary Committee will review the evidence referred to it and either recommend to the House to impeach, to impose such sanctions as it deems warranted or to take no further action. The Committee is directed to do so prior to December 31, 1998—a time frame deemed possible by the Chairman. Furthermore, if the Committee finds that it is unable to accomplish its work in the time frame provided it may ask the House for more time.

Neither this President nor any other can carry out the duties required of him by the Constitution and laws of this Nation while under constant investigation and attack. The American people understand that, which is why they want this matter brought to a close.

Our decisions should not be made based upon poll or plebiscite. But, I am convinced the people are absolutely correct in their judgment that we must conclude this tragic chapter in our Nation's history quickly before it depletes us further and debilitates us more.

Mr. SANDLIN. Mr. Speaker, I rise in support of the Democratic alternative and against the Republican resolution. This is not a vote about whether there will be an inquiry. Rather it is a vote about how it will be done.

Obviously, this is a somber day in our nation's history. Today, we officially embark on a journey that only two Congresses before us have—that of an impeachment inquiry. On a

matter of such import it is critical that this body act in a responsible manner, not in a partisan manner. We must rise above politics. It is critical that our vote be dictated by conscience and by the rule of law—not by party.

Even the gentleman from Georgia, Mr. LINDER, seemed to recognize the great harm that we can do by reducing the serious matter of impeachment of a President to mere politics. He stated in an interview last month, "If all Starr has is what we've seen, I don't think the public is ready for impeachment. I have said all along that one party cannot impeach the other party's president."

The Constitution grants us an awesome responsibility and I believe our Founding Fathers would be deeply disappointed to know that some among us would turn that responsibility into a political game. Alexander Hamilton fought for a high standard for impeachment of a President. He understood the inherently political nature of allowing such an issue to be decided by a legislative body. In fact, he warned that "there will always be the greatest danger that the decision will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt."

In 1974, this body voted 410 to 4 in favor of a resolution similar to that being offered by the Republicans today. That action was clearly a bipartisan decision. According to the report by the Judiciary Committee staff at that time, "Constitutional Grounds for Presidential Impeachment," the action was not "intended to obstruct or weaken the presidency. It was supported by members firmly committed to the need for a strong presidency and a healthy executive branch of our government." We clearly do not have a near unanimous decision today. While I would never question the motives of any of my colleagues, I am concerned that the motives of some in 1998 are not as pure as the motives of this body in 1974.

A review of the debate of our Founding Fathers reveals their concern over the potential for capricious use of the impeachment power. It becomes clear after a review of history that the Founding Fathers intended that an impeachable offense was an offense against the United States. There was a clear difference between public service and private conduct. They did not want Congress to have the unlimited right to decide who is President. They believed that only in the most extreme cases should the Congress undo an election of the American people.

Eight previous Presidents—John Tyler, Andrew Johnson, Grover Cleveland, Herbert Hoover, Harry S. Truman, Richard M. Nixon, Ronald W. Reagan, and George H.W. Bush—have had proposed articles of impeachment filed against them in the House of Representatives. The charges have fallen into two broad categories—behavior considered to be offensive, but not necessarily illegal; and acts that violate statutory or constitutional law. Only one of those presidents was impeached and the second resigned before the House could vote to impeach. In both instances, a clear crime was alleged to have been committed against the State.

After a review of the intent of the framers and of various impeachment resolutions that have been filed, it is clear that, with the possible exception of the charge of "shameless duplicity, equivocation, and falsehood with his late Cabinet and Congress" against President

Tyler, the charges leveled against President Clinton to date do not come close to any of the charges brought against other Presidents—even those in which no impeachment resolution was given serious consideration. While other impeachment charges have dealt almost exclusively with alleged crimes against the state and therefore interfered with the Presidential duties, the charges against President Clinton allege actions that did not interfere with his Presidential duties.

Because of the nature of the charges against President Clinton, the investigation should be disposed of as quickly as possible. The Democratic resolution lays out specific time frames in order to fully and fairly conduct an inquiry and, if appropriate, to act upon the referral from the Independent Counsel in a manner that ensures the faithful discharge of the constitutional duty of Congress and concludes the inquiry at the earliest possible time.

To date, I believe this matter has significantly disrupted the progress of the Congress. It would be irresponsible for us not to limit the scope of the investigation and the time in which we conduct this investigation. We must get back to the business of the people as soon as possible and stop allowing this matter to paralyze the country. The working families of America need our help and they need it now. We have done nothing to ensure that home health agencies are able to continue their business into next year. There is no managed care reform. There is no legislation to reduce class size and modernize schools. There has been no action on funding the IMF and rescuing the world economy. My constituents did not elect me to participate in endless investigations. They elected me to take care of the business of the people.

Mr. Speaker, we must carefully consider the matter at hand today and ask ourselves, "How can we best proceed in this matter to prevent the fears of our Founding Fathers from coming true?" I submit to you that the most responsible course of action is to impose upon ourselves the deadlines provided in the Democratic alternative. Only swift and deliberate action can meet the standards of Hamilton. There should be no reason why we cannot meet these deadlines and return to the business of the people.

Mr. DELAHUNT. Mr. Speaker, the issue before us today is not just the conduct of the President. The overriding issue is how this committee will fulfill its own responsibilities at a moment of extraordinary constitutional significance.

Three weeks ago, the Independent Counsel referred information to Congress that he alleged may constitute grounds for impeaching the President.

But it is not the Independent Counsel who is charged by the Constitution to determine whether to initiate impeachment proceedings. That is our mandate. He is not our agent, and we cannot allow his judgments to be substituted for our own.

I am profoundly disturbed at the thought that this committee would base its determination solely on the Starr referral.

Never before in our history has the House proceeded with a presidential impeachment inquiry premised exclusively on the raw allegations of a single prosecutor. Let alone a prosecutor whose excessive zeal has shaken the confidence of fair-minded Americans in our system of justice.

It is the committee's responsibility to conduct our own preliminary investigation to determine whether the information from the Independent Counsel is sufficient to warrant a full-blown investigation. And we have not done that.

If we abdicate that responsibility, we will turn the Independent Counsel Statute into a political weapon with an automatic trigger—aimed at every future president. And in the process, we will have turned the United States Congress into a rubber stamp.

Just as we did when we rushed to release Mr. Starr's narrative within hours of its receipt, before either this committee or the President's counsel had any opportunity to examine it.

Just as we did when we released 7,000 pages of secret grand jury testimony and other documents hand-picked by the Independent Counsel—subverting the grand jury system itself by allowing it to be misused for a political purpose.

Just as we are about to do again: by launching in inquiry when no member of Congress even now, has had sufficient time to read, much less analyze, these materials. Not to mention the 50,000 pages we have not released.

For all I know, there may be grounds for an inquiry. But before the committee authorizes proceedings that will further traumatize the nation and distract us from the people's business, we must satisfy ourselves that there is "probable cause" to recommend an inquiry.

That is precisely what the House instructed us to do on September 10. The chairman of the Rules Committee himself anticipated that we might return the following week to seek "additional procedural or investigative authorities to adequately review this communication."

Yet the committee never sought those additional authorities. Apparently we had no intention of reviewing the communication.

That is the difference between the two resolutions before us today. The Majority version permits no independent assessment by the committee, and asks us instead to accept the referral purely on faith.

Our alternative ensure that there is a process—one that is orderly, deliberative and expeditious—for determining whether the referral is a sound basis for an inquiry.

The Majority has made much of the claim that their resolution adopts the same process—indeed, the very language—that was used during the Watergate hearings of 24 years ago.

It may be the same language. But it is not the same process.

In 1974, the Judiciary Committee spent weeks behind closed doors, poring over evidence gathered from a wide variety of sources—including the Ervin Committee and Judge Sirica's grand jury report, as well as the report of the Watergate Special Prosecutor. All before a single document was released. Witnesses were examined and cross-examined by the President's own counsel. Confidential material, including secret grand jury testimony, as never made public. In fact, nearly a generation later it remains under seal.

It is too late now to claim that we are honoring the Watergate precedent. The damage is done. But is not too late for us to learn from the mistakes of the last three weeks. If we adopt a fair, thoughtful, bipartisan process, I am confident the American people will embrace our conclusions, whatever they may be.

If the Majority chooses to do otherwise, it certainly has the votes to prevail. Just as the Democratic majority had the votes in 1974. But the Rodino committee recognized the overriding importance of transcending partisanship. And it earned the respect of the American people.

It is our challenge to ensure that history is as kind to the work of this committee.

Mr. POSHARD. Mr. Speaker, the vote today is not a vote for or against impeachment. It is not a vote on whether to proceed with the investigation. It is a vote on how to proceed. It is a vote to determine the parameters of the Judiciary Committee's investigation. The Republican proposal wants an investigation which is open-ended, without time limits and not limited to the Starr report. The Democratic alternative focuses the scope of the inquiry to the matter actually before the House in the referral by Mr. Starr. The independent counsel at this time has leveled very specific charges, and these are the ones that should be investigated. The Democratic resolution would first determine if these charges constitute grounds for impeachment. If that determination is reached, a focused inquiry will follow, and this Congress would then get to vote on the Committee's final recommendation. This is a fair process.

I will make my final decision regarding the President's actions after the deliberations of the Judiciary Committee are finished. I hope my colleagues all do the same. Based on the President's admitted behavior, I have strongly condemned his actions and believe he must experience the consequences of his behavior. Whether those consequences rise to the level of impeachment cannot be determined until the Committee investigation is finished, and I believe the Democratic alternative which I support is the most focused, fair, and expeditious way for the Committee to proceed.

Mr. SERRANO. Mr. Speaker, I rise in strong opposition to the Republican resolution calling for further interminable, open-ended, partisan investigation of the President of the United States. My constituents share my outrage at the attacks on President Clinton, and many—more than on any other issue in my eight years in this House—have called, written, and emailed me to share their views on the course Congress should take in this matter.

As many of my colleagues on both sides have said, the duty imposed on the House by allegations of Presidential treason, bribery, or other "high crimes and misdemeanors" is very grave. Faced with such allegations, the House must carry out its responsibility in the fairest, most non-partisan manner possible. This is vital to preserving the integrity of a Constitutional process, and we owe it to the President and to the American people.

Having said that, I, and my constituents, believe that this process, based on these allegations, has been unfair and partisan, that the offenses alleged against the President are not impeachable, and that the House Republican leadership should end the investigation and try to do as much of the people's business as is possible in the few days left before Congress adjourns for the year.

On September 11, I voted against immediate release of the Starr report. Basic fairness, like that extended to you, Mr. Speaker during the Ethics Committee investigation into your dealings, would have given the President the chance to review the allegations against

him and to respond. After all, the Independent Counsel and his lawyers have spent more than four years and over \$40 million focusing all their attention on finding wrongdoing by the President. And the grand jury process, which led to the report, is supposed to present only the prosecutor's version of the facts, not the accused's.

And no-one in Congress reviewed the Starr referral before it was dumped into print and onto the Internet, even though innocent people's reputations were damaged by it, and much of the material was so salacious that our children shouldn't have such easy access to it. Nor was there any apparent reason to release the additional material other than to further humiliate the President.

I believe it would be a bad precedent and a big mistake to remove the President, whom the people elected twice and whose performance in office the people still support, over a private consensual relationship. We must understand, as my constituents clearly do, that liberty and privacy are tightly linked, and that the more we permit intrusion into and exposure of the private lives of our people, even our Presidents, the more we jeopardize our liberty.

I believe the House should not proceed with any further investigation and should instead get on with the unfinished business of America. Therefore, I will vote against both resolutions, and I urge my colleagues to do the same.

Mr. CASTLE. Mr. Speaker, in accordance with the responsibilities placed on Congress by the Constitution, I support House Resolution 581 to authorize the Judiciary Committee to conduct an inquiry to determine whether the actions of the President of the United States require articles of impeachment to be filed against him.

It is a sad and somber moment for the Congress and for the country. No one should take any joy in the fact that Congress must examine these issues. The House Judiciary Committee should now conduct its investigation in a fair and expeditious manner. The President should be afforded every opportunity to address each point in the inquiry. There should be no rush to judgement, but there should also be no effort to delay or obstruct the legitimate examination of evidence and witnesses. I do not support an endless investigation, but a short, artificial time limit would encourage delays in responding to legitimate questions that must be answered.

It is important to emphasize that this is an inquiry. No determination has been made on the fate of the President. We should have an expeditious and open process in effort to complete this unfortunate, but necessary task as quickly as possible. When the inquiry is complete, the House should make a fair determination based on the facts, the law, and on what is in the best interest of our Nation.

Mr. LEVIN. Mr. Speaker, I reiterate my deep dismay at the President's personal conduct and his misleading the American people. We need a process that appropriately punishes the President without unduly punishing our nation. Today's debate is not about whether there will be an impeachment inquiry, but about how the impeachment inquiry should proceed and for how long.

The House should approve an impeachment inquiry today that refers the allegations contained within the Starr Report to the Judiciary

Committee to determine if they constitute impeachable offenses in a manner that assures an early conclusion and is clearly defined as to its scope. The Hyde proposal meets none of these criteria.

I agree with President Gerald Ford who recently wrote that "the Judiciary Committee should be able to conclude a preliminary inquiry into possible grounds for impeachment before the end of the year."

The impeachment inquiry we approve today should be focused and clearly defined as to its scope. The Hyde proposal is neither focused nor clearly defined and places no limit on how long the investigation can go on.

I believe the impeachment inquiry proposal that will be offered by Mr. BOUCHER meets appropriate standards and the interests of the American people. The Hyde proposal does not.

Mr. COYNE. Mr. Speaker, I rise today to address the serious business before us—the resolution authorizing the House Judiciary Committee to undertake an impeachment inquiry into the admitted and alleged misdeeds of President Clinton.

We all know that President Clinton did something wrong. He had an affair and he lied about it. He admitted that to the nation in August. I was sorely disappointed by his misbehavior. His actions are to be condemned.

The question that Congress must address in the coming weeks and months, however, is whether his misdeeds merit impeachment. That means that we must sort out what he did, what his intentions were, and whether his actions constituted impeachable conduct.

The first step—and only the first step—in this process was the submission of Independent Counsel Kenneth Starr's referral to Congress last month. The last sections of the referral documents were released to the public last week, and at this point Americans have had enough time to begin to digest the contents of the Independent Counsel's report.

Congress now has the responsibility of weighing the Independent Counsel's charges objectively and determining whether to proceed with the next step in the impeachment process, which consists of an impeachment inquiry by the House Judiciary Committee.

I believe that given the seriousness of the charges, an impeachment inquiry is appropriate. The Starr Report is clearly not objective, but we must remember that it is not supposed to be objective. A grand jury proceeding is supposed to make the most compelling case possible for prosecution. The House should now review the Independent Counsel's referral, allow the President to present his side of the story, and require testimony from any other source that it deems necessary. Consequently, I support legislation authorizing the House Judiciary Committee to undertake an impeachment inquiry.

I am concerned, however, that an open-ended inquiry with the authority to re-visit every allegation made against President Clinton over the last 25 years would be excessive. Many of these charges have been investigated extensively—by Congressional committees, the Justice Department, and the Independent Counsel's office.

Consequently, I will vote today for the Democratic alternative to this resolution, which would authorize an impeachment inquiry but limit its scope to the Independent Counsel's referral. If, as I suspect, that alternative is re-

jected, I will vote against the resolution. I want to make clear, however, that I support an inquiry. I will vote against the resolution because I believe that an inquiry should focus on the charges set forth in the Independent Counsel's referral. It shouldn't be an open-ended, partisan fishing expedition.

Impeachment of a president is one of the most serious actions that the House of Representatives can take. I know that my colleagues all appreciate the gravity of what we are about to do. I urge my colleagues to act with the country's long-term interests in mind. Thank you.

Mr. BALLENGER. Mr. Speaker, today I rise in support of H. Res. 581, a resolution to open an inquiry by the House Judiciary Committee to determine whether substantial evidence exists to recommend the impeachment of the President of the United States.

When taking his oath of office, President Clinton vowed to "preserve, protect, and defend the Constitution of the United States." Independent Counsel Kenneth Starr's report outlines eleven potentially impeachable offenses against President Clinton suggesting he did not honor his oath. An investigation into these allegations is necessary to determine if there is substantial evidence to prove that President Clinton did, in fact, commit these crimes and to determine if these offenses warrant impeachment. Contrary to some opinions, this impeachment inquiry is not an attempt to disgrace the President but an honest effort to discover the truth.

I endorse this impeachment inquiry by the Judiciary Committee. Like all Americans, I hope it can proceed fairly and conclude expeditiously. Just as Clinton took an oath of office when being sworn in as President of the United States, I also took an oath of office as a Member of Congress to uphold the laws of the land. For that reason, I support H. Res. 581—a vote for truth and justice.

Mr. PASCRELL, of New Jersey. Mr. Speaker, today, I cast my vote for the proposal offered by Representative RICK BOUCHER for an impeachment inquiry. I firmly believe that this is the best course of action for our country. The Hyde proposal, in an effort to advance a political agenda, would allow this inquiry to go on indefinitely. But the American people deserve to have closure on this matter as soon as possible.

Alexander Hamilton, over 200 years ago, warned our great nation of the divisive nature of unfair inquiries. Our proposal would allow us to uphold our Constitutional responsibilities, namely to determine whether these charges made against the President are true and if true, they mandate the President's impeachment.

We have a duty to our constituents to get back to work on the many issues that affect our nation's families. That is why I, and everyone in this room, was sent here in the first place. The deadline our proposal imposes would grant ample time to review the Starr Report, make these difficult decisions, and refocus our energies on other vital matters. My fear of the Hyde proposal is based solely on its open ended nature and the financial toll another lengthy investigation will place upon us.

Make no mistake, I think the President's admitted behavior is indefensible and that this matter has done great harm to our country and the office of the President. But, we need to move on and bring closure to this issue. I

will not allow the House Leadership to bring down the institution in which I so proudly serve. And I will do my best to insure that the decisions made best serve our Constitution and our nation. No individual and no party is privy to virtue."

Mr. BOUCHER. Mr. Speaker, at the conclusion of this debate, I will offer a motion to recommit the resolution offered by the gentleman from Illinois to the Committee on the Judiciary with the instruction that the Committee immediately report to the House the resolution in the form of our Democratic alternative.

While we would have preferred that Democrats have a normal opportunity to present our resolution as an amendment, the procedure being used by the House today does not make a Democratic amendment in order. The motion to recommit with instructions, however, offers an opportunity for adoption by the House of our alternative.

The Democratic amendment is a resolution for a full and complete review by the Judiciary Committee of the material referred to the House by the Office of the Independent Counsel. The Republican resolution also provides for that review. The difference between the Democratic and Republican alternatives is only over the scope of the review, the time that the review will take, and the requirement in our Democratic alternative that there be a recognition of the historical Constitutional standard for impeachment.

The public interest requires that a fair and deliberate inquiry occur. Our resolution would assure that it does.

But the public interest also requires an appropriate boundary on the scope of the inquiry. It should not become an invitation for a free ranging fishing expedition, subjecting to a formal impeachment inquiry matters that are not before the Congress today. The potential for such a venture should be strictly limited by the resolution of inquiry. Our proposal contains those appropriate limits. It would subject to the inquiry the material presented to us by the Office of the Independent Counsel which is the only material before us at the present time.

The public interest also requires that the matter be brought to conclusion at the earliest possible time that is consistent with a complete and thorough review.

The country has already undergone substantial trauma. If the Committee carries its work beyond the time reasonably needed for a complete resolution of the matter now before us the injury to the nation will only deepen.

We should be thorough, but we should be prompt. Given that the facts of this matter are generally well known, and given that there are only a handful of witnesses whose testimony is relevant, all of whom have already undergone grand jury scrutiny, there is no reason to prolong the Committee's work into next year. A careful and thorough review can be accomplished between now and the end of this year. Our resolution so provides.

Our resolution requires that the Committee hold hearings on the Constitutional standard for impeachment which has evolved over two centuries and which was recognized most recently by the Committee and by the House in 1974.

Our substitute then directs the Committee to compare the facts stated in the referral to the Constitutional standard and determine which if any of them rise to the standard.

Any of the facts stated in the referral which pass that initial test would then become the subject of a formal inquiry and investigation following which the Committee could reach its conclusion. It could recommend articles of impeachment, alternative sanctions or a no action option.

Under our resolution the committee will begin its work on October 12 and conclude all proceedings, including the consideration of recommendations in December. The House could then complete its consideration of any recommendations the Committee may make by the last week in December.

This approach is fair. It's in the public interest, and it is what the American public expects.

It gives deference to the Constitutional standard for impeachment recognized by the House in its 1974 report. It offers ample time to consider carefully, any of the allegations which rise to the Constitutional standard.

It assures that the entire matter will be resolved promptly and that the Nation is not distracted by a prolonged inquiry which is clearly not justified by the material presented in the referral.

It presents a framework that will enable the Committee and the House of Representatives to discharge their Constitutional obligations in a manner which is both thorough and expeditious.

I urge approval of the Democratic plan as rules of proceeding which are well tailored to the challenge before us.

Mrs. MORELLA. Mr. Speaker, today is a sad day for our country. I take no pleasure in today's proceedings, or the events which have brought us to this point. I have been entrusted by the people of my district to exercise my judgment in this matter, and I take seriously their confidence in me to use my best judgment and to carry out my Constitutional responsibilities in a somber and thoughtful manner.

We are a nation of law. In conformity with our Constitutional obligation to oversee the Executive Branch of government, Congress passed an independent counsel law, which was signed by President Clinton. The independent counsel appointed pursuant to that law to investigate allegations of illegal conduct within the Executive Branch has, pursuant to that law, forwarded to the Judiciary Committee his report detailing possible impeachable offenses committee by President Clinton.

In forwarding to the full House a resolution regarding an inquiry of impeachment, all members of the Judiciary Committee voted for an inquiry; they differed only on the inquiry's time and scope. Regardless of whichever resolution we pass today, the authorization to conduct an inquiry will expire at the end of this Congress.

Some have suggested that we simply censure President Clinton for his conduct and move on. However, there is no Constitutional provision for censuring a president, and we do not have a censure resolution before us today. While some have pointed to former President Ford's suggestion that the President be censured, they fail to take note of his view that such a censure would follow a presumptive finding by a Judiciary Committee inquiry that the President has not committed impeachable offenses.

We must follow the course set out in the law and the Constitution. It is our duty and responsibility to determine through an inquiry whether

or not impeachable offenses were committed. I have every expectation that the House will conduct this inquiry as expeditiously as possible so that the country may achieve closure and move on.

Mr. STARK. Mr. Speaker, today the House considers whether the information sent to the Congress for consideration in the Independent Counsel Report warrants the start of an impeachment inquiry by the House.

The President has admitted that he had an extramarital affair and then lied about it. No one disputes that fact. The President's conduct, while reprehensible, was a betrayal of his vows to his wife but not his oath of office. His actions were personal in nature. If his lies to cover up his conduct amount to perjury, he can and should be held accountable through our judicial system.

Our founding fathers had something quite different in mind when they drafted the Constitutional language on impeachment, a political remedy for tyrannical acts. The Federalist papers shed some light on that. George Mason said that the phrase "high crimes and misdemeanors" refer to presidential actions that are great and dangerous offenses or attempts to subvert the government. Alexander Hamilton, in the Federalist paper 65, wrote that impeachable offenses relate chiefly to injustices done immediately to society. Ben Franklin spoke of impeachment as an alternative to assassination.

When this House voted to proceed with an inquiry to impeach President Nixon in 1974, the offenses in the impeachment resolution contained serious abuses of official power: President Nixon used government agencies to carry out his personal and political vendettas against citizens. Not included in the list of impeachable offenses for President Nixon was his deliberate backdating of a tax document and his false filing under oath of IRS returns by which he sought to fabricate a huge, tax deduction. That conduct was felonious but determined not to be an impeachable offense in 1974 because it did not threaten our form of government; it was personal, reprehensible conduct.

I will cast my vote against the Hyde resolution. It leads us into an impeachment inquiry without focus or time limitation.

I will support the Democratic motion to recommit because we need to resolve the issue of impeachment this year and then move on with the business of governing. We have serious work to do to resolve the solvency of the Social Security and the Medicare trust funds; we have children in need of health care and quality child care; our schools are overcrowded. The needs of real people will not be addressed until we bring closure of this issue.

Mrs. WILSON. Mr. Speaker, I am the junior member of this House. The one who, arguably, comes to this decision with the cleanest slate, the least experience, and a perspective formed largely outside of these halls.

This morning, as we began our business, every member of this body gathered, faced the flag and repeated the same pledge that school children from Long Island to Los Angeles, from Seattle to Saratoga recited this morning. "I pledge allegiance * * * With our hands over our hearts, we told the country and each other than we are one nation, under God, with liberty and justice for all. Liberty and justice for all.

The meaning of justice in a free society governed by a constitution is what has been on

my mind in the last weeks. I have read the Independent Counsel's report and much of the supporting information which he has transmitted to us. Like my colleagues from both parties on the Judiciary Committee, I have come to the conclusion that we have been presented with substantial and credible evidence concerning the President of the United States that may constitute grounds for impeachment. We must do our duty and fully and fairly investigate these matters.

I have reached this conclusion with a profound sense of sadness. America is a great nation, and we are not less great because we are governed by fallible men and women. Indeed, our founding fathers knew well our failings, and led us to rely not upon the rule of men, but upon the rule of law. That is what is at stake here today—equal justice under the law.

I am reminded of the symbol of justice in America. Justice holding the scales is not blind because she looks away or because she will not see. Justice is blind so that every citizen, regardless of race or creed or station in life, will be treated equally under the law. That includes the President of the United States. It is a powerful symbol. And today, it is one we must live up to.

We are not called upon today to vote on articles of impeachment. We are only voting on whether to proceed, or to look away.

We are a nation ruled by laws. It is up to us to keep it that way.

Mr. SMITH of Michigan. Mr. Speaker, I favor further inquiry by the Judiciary Committee. The issue before us today is straightforward: Do the allegations of possible impeachable offense merit further investigation? Anyone who answers "no" and asserts that there should be no further review has a very high burden to meet. I think that the Judiciary Committee's careful, fair and expeditious review of all of the facts in light of the relevant law is precisely the Constitutional duty required of us by our oath of office. I also think that such a review is the duty we owe the American people.

Congress has received substantial and credible evidence that the President of the United States repeatedly violated the criminal laws of this country. I believe it would be a dereliction of duty of the highest order for us to decide today that no further review is needed. After meeting with Chairman HYDE, I am convinced that we will move forward fairly, quickly and in a bipartisan manner. I am also troubled by reports that the White House is pressuring Democrats to vote against this inquiry.

My office has received over a thousand calls and letters in the past month on this scandal. Additionally, my web page also gives constituents an opportunity to express their views. Eighty percent of the people who have contacted me have urged me to move forward with this investigation.

Despite much of the rhetoric, today's final vote only answers one question: Should we investigate the allegations or forget it? Those who vote against the resolution are, in fact, saying that we should just ignore all the allegations against the President and have no further inquiry.

I have not decided whether President Clinton has technically committed impeachable offenses. However, I have called for President Clinton's resignation. Whether his actions rise to the level of 'high Crimes and Misdemeanors' is still to be determined. The point is that

we need to investigate the actions of the President and we need to get this situation behind us as quickly as possible, hopefully by the end of the year.

Today's vote marks only the third time in American history that the House has opened an inquiry into possible impeachment of a President. It is a serious vote for all of us, possibly one of the most important votes I will take. I have made the decision to vote yes because I truly believe to do otherwise would not be in the best interest of our country's future.

Mr. FRANK of Massachusetts. Mr. Speaker, our former colleague from Oklahoma, Mickey Edwards, has gone from service in the House of Representatives to a very distinguished career teaching at the Kennedy School of Government at Harvard. He has combined this with a role as a thoughtful commentator on public affairs. Mr. Edwards is as those who served with him know a very thoughtful conservative, and I disagree with him on many policy issues. Indeed, I disagree with his assessment of the policy impact of the Clinton administration, in foreign policy and elsewhere, which is included in this article. But on the whole it seems to me an extremely thoughtful essay that sheds a good deal of light on the difficult task we face in the coming weeks and months in dealing with the Independent Counsel's investigation of the President.

Both because of the thoughtful nature of this work, and because of Mr. Edwards credentials as one of the most intellectually honest of our political commentators, I ask this his thoughtful essay from the Boston Herald be printed here.

STARR ELECTS TO TOPPLE 1996 ELECTION

This is what we know:

First, that the president has committed adultery and is accused of lying about it before a grand jury. Second, and even more disturbing, we know that we now have in the United States a prosecutor to whom our civil liberties are an inconvenience.

As a conservative, I have dedicated my adult life to opposing the spread of statist power. I have feared, and fought against, the intrusions of Big Brother into the private lives of American citizens. That is why I am disturbed by Bill Clinton but frightened by Kenneth Starr.

Here is the situation: The Constitution grants to the people, through their representatives, the power to remove a president who is guilty of criminal behavior. It is a discretionary power; it has been delegated to a political branch of government and the decision is intended to be based on political as well as legal considerations.

Bill Clinton has twice been elected president. Many of the facts we know about his patterns of behavior were known before the people placed him in office. Perhaps citizens have learned more about the president's tendencies, about his behavior, but if there is any surprise it is about the extent of that behavior, not about its existence.

Because we know all this, the questions that matter most are not whether we should be appalled by the behavior of this president, but about how reluctant we should be to overturn the results of an election, and, second, the extent to which we should sanction the activities of an extra-constitutional inquisitor whose activities threaten not merely our sensibilities but our civil liberties as well.

I am not among the president's defenders. For his indiscretions and lies, he alone is responsible. Even had his activities been less unsavory, he would still be judged by history to be a president of modest accomplishment.

His ineptitude in foreign policy alone would doom him to the ranks of mediocrity. But—this is a big distinction—even though I might wish Mr. Clinton had never been elected, he was; he defeated a sitting president and a prominent senator. His election was not a fluke; it was a decision.

Prudence dictates caution in removing from office a man or woman whom the people have placed there. A president's activities may be so heinous that he must be removed at any cost, but in a democratic society, the overturning of an election must rest on more than shocked sensibility. What Mr. Clinton has lied about is an adulterous affair. If he is found to have lied to the grand jury, his actions may be oath reprehensible and illegal. But there is a question of context: what he lied about was whether he carried on a consensual sexual relationship. It may be enough to make one gap; it is not enough to overturn the will of the people that he should be the president.

This brings us to a more serious matter. When Richard Nixon was our president, a Democratic Congress, asserting that a Republican Justice Department could not be trusted to act in the public interest, circumvented the existing governmental structure by creating a special prosecutor (the title is "independent counsel," but as Kenneth Starr has demonstrated, it is an office with the power to function in a disturbingly aggressive manner).

We should all be concerned about the danger inherent in giving the state the ability to trample underfoot the rights of a citizen on behalf of some presumed "greater good." There are "greater goods," those common national interests that sometimes transcend narrower individual interests, but even in the pursuit of such common interests the civil rights of citizens must be preserved.

Kenneth Starr has no such sensibility. He began with a mandate to consider such matters as the possible misuse of secret FBI files, but from that starting point, he ended up in Bill Clinton's bedroom (or, in this case, his Oval Office). He intimidated witnesses. He looked into what books his witnesses read and what movies they watched. He subjected the public to the kind of voyeurism he has publicly criticized. (If he felt the need to illustrate what Mr. Clinton and Monica Lewinsky did, to prove that Mr. Clinton had lied, one example would have been sufficient; even that would not have been necessary if one assumes members of Congress can decide for themselves what does, and does not, constitute "sex.")

Bill Clinton may be an embarrassment, but the Congress should not overturn a national election simply because a president lied about matters about which he should have never been questioned. And whatever Mr. Clinton's flaws, the real danger here is not Mr. Clinton's flaws, the real danger here is not Mr. Clinton's immaturity but Mr. Starr's casual disregard for those considerations which protect the citizen against the excessive intrusions of the state.

Mr. HALL of Ohio. Mr. Speaker, this is only the third time since the founding of our Nation that the House of Representatives has seriously considered impeaching the President of the United States. Consequently, I have deliberated extensively over the upcoming vote. Having reached a decision, there is little doubt in my mind that the Judiciary Committee of the House of Representatives should conduct a limited, clearly defined inquiry into whether President Bill Clinton should be impeached. The alternative, a broad-based impeachment investigation with no time limits is unnecessary, unwarranted, and potentially harmful to our Nation.

Removing the President from office would invalidate the election of Bill Clinton by the American people. The standard for impeachment must be set high for Congress to revoke decisions made by the people at the ballot box. The authority to impeach is an awesome power which, if misused, threatens the foundation of American democracy.

There is probably no individual in history who has been investigated more than President Clinton. Independent Counsel Kenneth Starr and his predecessor have taken more than four years, spent almost \$45 million, and employed 60 attorneys, investigators, and other staff to examine President Clinton's activities for evidence of wrongdoing. In addition, more than half a dozen House and Senate committees have investigated potential abuses by President Clinton and the First Lady—including many of the same subjects the Independent Counsel investigated—at additional expense to taxpayers.

I have read the report by Independent Counsel Starr and seen some of the evidence produced by the other investigations. I have strong doubts that they justify impeaching the President, or starting a new, lengthy investigation. The U.S. Constitution permits the Congress to remove the President upon conviction of "treason, bribery, or other high crimes and misdemeanors." President Clinton's actions are unbefitting to the office of the President and thoroughly offensive to the American people and to me. But they are not impeachable offenses.

The impeachment process is filled with potential dangers for America. With the near-collapse of the economies of Russia and several Asian countries, the world is on the verge of an international economic crisis. Military action may be necessary to stem the genocide in Kosovo. The threat of terrorism against U.S. citizens and interests abroad has never been greater. The impeachment process will weaken the President and hurt our Nation's ability to deal with international problems. Our military and economic risk increases the longer it drags on.

A long impeachment process will further distract the attention of Congress from more important issues, such as health care, education, tax reform, protecting Social Security, and reducing hunger and poverty. We should be dealing with these problems, not conducting endless investigations. An open-ended inquiry could cost millions of dollars—money which could be spent more productively. We are becoming a government that sees as its principal mission the investigation of its officers and citizens. Such a government does not serve the people.

Our task is to make the best decision—one that will bring the President to justice and spare the American people from further pain. This vote is not about whether President Clinton will be punished. I believe the President should be punished for his misconduct. We must send a clear and unambiguous signal that this type of behavior is not acceptable. But let's not punish the entire Nation by going forward with an unlimited investigation. If, after a limited investigation, new and unexpected impeachable offenses are discovered, then that avenue should be pursued vigorously. But if that does not happen, the House should consider the recent suggestion of former President Gerald Ford that we publicly rebuke President Clinton. More than any other living

American, Mr. Ford knows the pain and public divisiveness an impeachment process imposes on our country and its citizens.

If we vote for an unlimited investigation, when will it end? We have the assurance of well-meaning House leaders that it can be wrapped up by the end of the year. But if that is the goal, why not put it in this resolution? The Judiciary Committee took five months to write articles of impeachment against former President Nixon. The case against President Clinton, which already has become more partisan and controversial, probably will take longer. If we proceed with an unlimited investigation, we are likely to see our newspapers and airwaves filled with still more stories about Monica Lewinsky, Whitewater, and alleged White House scandals from now until the end of the 106th Congress in the year 2001.

I recognize that my own constituents are deeply divided on this issue. Daily I have been receiving thoughtful and passionate telephone calls, letters, and e-mails from residents of Dayton and Montgomery County, Ohio, which I am privileged to represent. After listening to both sides, I have concluded that another investigation by the House of Representatives is not warranted by the evidence, nor is it likely to find anything that has been missed already by investigators. An open-ended inquiry will just be a waste of taxpayers' money and a drain on the Nation. Therefore, I will not vote for another endless round of hearings, depositions, and testimony that serve no purpose.

The alternative I support calls for the Judiciary Committee to begin an impeachment investigation that will finish no later than December 31, 1998, and will be confined in scope to the charges forwarded to the House by the Independent Counsel. This approach does not rule out additional investigations if new, credible information is presented by the Independent Counsel or any other source.

President Clinton has shamed himself and the office of the President, a blot that will stain his record in history. The question is now whether we will shame the House of Representatives by letting this trauma linger on endlessly and drag our Nation down.

Mr. Speaker, this vote is really about setting limits. The Independent Counsel has conducted an unlimited investigation with unlimited time and money. The House of Representatives has given virtually unlimited public access to the documents and evidence he produced. Now, the House is about to authorize another unlimited investigation. I'm willing to say there should be limits. We as a Congress and a Nation have too many other important things to do. It is time for members of the House to put some limits on this process and get on with fulfilling the many other responsibilities we have to the American people.

Mr. DELAHUNT. Mr. Speaker, on September 18, 1998, the House Judiciary Committee voted to release to the public several volumes of supporting material received from the Independent Counsel nine days ago, including grand jury transcripts and the President's videotaped testimony.

In my judgment, the headlong rush to publicize secret grand jury testimony not only endangers the rights of the individuals involved in this particular case, but also undermines the integrity of one of the cornerstones of our system of justice—the grand jury system itself.

Unfortunately, the readiness of the majority to ignore these perils also calls into question

the fundamental fairness of our own proceedings.

THE PACE ACCELERATES

On September 9, Independent Counsel Kenneth Starr sent the House of Representatives a 445-page report, together with some 2,000 pages of supporting materials, telephone records, videotaped testimony and other sensitive material, as well as 17 boxes of other information.

Within 48 hours, the House had voted to release the report and give the Judiciary Committee until September 28 to decide whether any of the remaining material should be kept confidential. While I agreed that we should release the report, I opposed our doing so before either the President's attorneys or members of the Committee had been given even a minimal opportunity to review it.

That vote was seven days ago. Since then, the breakneck pace has only accelerated. Today, we were asked to vote—10 days ahead of schedule—on whether to release what may well be the most sensitive materials of all—the grand jury transcripts, together with the videotape of the President's testimony.

Those of us who serve on the Committee had been doing our best to review these materials so that we would be in a position to evaluate whether or not they ought to be released. I cannot speak for other members, but I have been as diligent as possible, and had managed by this morning to get through—at most—some 30 percent of this material.

How can anyone make a considered judgment under such circumstances? How can we properly weigh the benefits of immediate disclosure against the harm it might cause? I have done my utmost not to prejudge the outcome of this investigation. I am prepared to follow the facts wherever they lead. But if the American people are to accept the eventual result of our deliberations, they must be satisfied that our proceedings have been thorough, disciplined, methodical and fair.

I seriously doubt that an objective observer looking back on these past nine days could characterize our proceedings in that manner. The process continues to careen forward—without a roadmap—a dizzying pace.

FUNDAMENTAL FAIRNESS

One portion of the Independent Counsel's report that I made sure to read—not once, but twice—was Mr. Starr's transmittal letter, which cautioned that these supporting materials contain "confidential material and material protected from disclosure by Rule 6(e) of the Federal Rules of Criminal Procedure" (the rule that provides for the secrecy of grand jury records).

The implication of that warning is that the public disclosure of protected grand jury material could do serious and irrevocable harm—not only to the President, but to the many other individuals caught up in the vast web of the Starr investigation, including innocent third-parties, witnesses, and other potential targets of ongoing (and future) investigations.

In the United States, those accused of criminal wrongdoing are presumed innocent—be they presidents or ordinary citizens. Yet if raw, unproven allegations are disclosed to the public before they can be challenged, the "presumption of innocence" loses all meaning. Minds are made up, judgments rendered, and the chance for a fair determination of the facts is lost.

That is one reason why federal grand jury testimony—whether in printed or in audio-vis-

ual form—is explicitly shielded from public disclosure under Rule 6(e).

But grand jury secrecy also serves the interests of the prosecution, by encouraging witnesses to come forward and ensuring that prejudicial material will not poison the jury pool and make it impossible to hold a fair trial. This is especially important when the targets and potential targets of an investigation are public figures.

The pre-indictment release of secret testimony compromises both objectives—trampling on the rights of the accused and jeopardizing subsequent indictments. Beyond this, it calls into serious question the fairness and integrity of the grand jury system itself.

"LAUNDERING" THE EVIDENCE

Through its action today, the Judiciary Committee has engaged in an abuse of the grand jury process that has enabled it to accomplish indirectly what the Independent Counsel was prohibited from doing directly.

The Independent Counsel has developed his case by using the grand jury to compel testimony from various witnesses. Although the grand jury voted to subpoena the President, the videotaped testimony was ultimately obtained under a negotiated agreement, under which the Independent Counsel agreed to treat the testimony as secret grand jury proceedings pursuant to Rule 6(e). It was solely on this basis that the President consented to testify.

The Independent Counsel subsequently receive permission from the court to release the videotape, together with the other grand jury material, to the Congress. But the court order did not authorize its further release to the public or the press.

By releasing that testimony to the public, we are—in effect—laundering the evidence so as to nullify the express agreement under which it was obtained. This is an abuse of the grand jury that can only damage the public's faith in that institution and impair its ability to perform its essential role.

And what are the benefits that justify these evils? We are told only that the public has a "right to know"—an interest in the case that entitle sit to the information. Some have even suggested that that interest is a financial one—that the public "paid" for this material and is entitled to it.

To this, one can only respond that the public pays for the grand jury testimony in every case. The public has an interest in every case—especially where the case involves high officials or other celebrities. We accommodate that interest by requiring that trials be held in open court. But the public is no more entitled to secret grand jury testimony than it is to classified intelligence. Not even when the case is concluded, let alone while it is still going on.

In an ordinary criminal trial, grand jury testimony is disclosed under Rule 6(e) only under certain specific circumstances. For example, criminal defendants are entitled to see grand jury proceedings in order to cross-examine witnesses or challenge their credibility on the basis of prior inconsistent statements.

On the other hand, the public release of material of this nature would violate not only Rule 6(e), but Department of Justice guidelines, court precedents and ethical rules binding on prosecutors in every jurisdiction in this country. A party found to have disclosed the material would be subject to sanctions, and the material itself would be excludable in court. The

court might even grant a defendant's motion to dismiss the case for prejudice.

LOOKING TO PRECEDENT

This is certainly not an ordinary case. But neither is it so exceptional as to justify our riding roughshod over precedent and due process.

In the one historical precedent that is closest to the present situation, due process was scrupulously observed. Twenty-four years ago, a Republican president was under investigation by a Democratic House.

The Judiciary Committee spent seven weeks in closed session, reviewing judge Sirica's grand jury materials prior to their release. President Nixon's lawyers were permitted not only to participate in these sessions, but to cross-examine witnesses before their testimony was made public.

While there are obviously major differences between the current controversy and the Watergate affair, President Clinton is entitled to the same due process protections afforded President Nixon in the course of that investigation.

In fact, the case for preserving the confidentiality of the evidence is even stronger here than it was in the Watergate case. Mr. Starr's grand jury has made no findings whatsoever with respect to the evidence. The material we have consists merely of selected portions of what the persecutor put before the grand jury, together with his interpretation of that material. The jurors were never asked whether they thought that the video tape—or any other testimony—provided credible evidence of perjury or other wrongdoing. Having used the grand jury as a tool to gather information, the Independent Counsel bypassed it as a fact-finding body.

That is his prerogative. But the Judiciary Committee has a duty to see that the material provided to us is handled appropriately. If we act carelessly, and in haste, we will not only cripple this President, but will do lasting harm to the values and institutions we hold most dear.

Mr. SOLOMON. Mr. Speaker I would like to enter into the record a General Accounting Office report: Executive Office of the President, Procedures for Acquiring Access and to and Safeguarding Intelligence Information

This report is a significant and impressive audit performed by the National Security and International Affairs Division of the GAO. It builds on the work previously requested by Chairman Goss and will be the foundation for further oversight by the Permanent Select Committee on Intelligence.

The President's stewardship in protecting the National Security of the United States of America is his highest responsibility. There is no higher calling. I believe that this report raises significant questions that should be addressed.

GAO REPORT TO THE CHAIRMAN, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES

EXECUTIVE OFFICE OF THE PRESIDENT—PROCEDURES FOR ACQUIRING ACCESS TO AND SAFEGUARDING INTELLIGENCE INFORMATION

U.S. GENERAL ACCOUNTING OFFICE,
NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,

Washington, DC, September 30, 1998.

Hon. GERALD B. H. SOLOMON,
Chairman, Committee on Rules, House of Representatives.

DEAR MR. CHAIRMAN: This report responds to your request of November 6, 1997, asking

us to determine whether the Executive Office of the President (EOP) has established procedures for (1) acquiring personnel access to classified intelligence information, specifically Sensitive Compartmented Information (SCI), and (2) safeguarding such information. You asked that our review include the following offices for which the EOP Security Office provides security support: White House Office, Office of Policy Development, Office of the Vice President, National Security Council, President's Foreign Intelligence Advisory Board, Office of Science and Technology Policy, Office of the United States Trade Representative, Office of National Drug Control Policy, and Office of Administration.

BACKGROUND

SCI refers to classified information concerning or derived from intelligence sources, methods, or analytical processes requiring exclusive handling within formal access control established by the Director of Central Intelligence. The Central Intelligence Agency (CIA) is responsible for adjudicating and granting all EOP requests for SCI access. According to the EOP Security Office, between January 1993 and May 1998, the CIA granted about 840 EOP employees access to SCI.

Executive Order 12958, Classified National Security Information, prescribes a uniform system for classifying, safeguarding, and declassifying national security information and requires agency heads to promulgate procedures to ensure that the policies established by the order are properly implemented, ensure that classified material is properly safeguarded, and establish and maintain a security self-inspection program of their classified activities.

The order also gives the Director, Information Security Oversight Office (an organization under the National Archives and Records Administration), the authority to conduct on-site security inspections of EOP's and other executive branch agencies' classified programs. Office of Management and Budget Circular Number A-123, Management Accountability and Control, emphasizes the importance of having clearly documented and readily available procedures as a means to ensure that programs achieve their intended results.

Director of Central Intelligence Directive 1/14, Personnel Security Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information, lays out the governmentwide eligibility standards and procedures for access to SCI by all U.S. citizens, including government civilian and military personnel, contractors, and employees of contractors. The directive requires (1) the employing agency to determine that the individual has a need to know;¹ (2) the cognizant Senior Official of the Intelligence Community to review the individual's background investigation and reach a favorable suitability determination; and (3) the individual, once approved by the Senior Official of the Intelligence Community for SCI access, to sign a SCI nondisclosure agreement.² Additional guidance concerning SCI eligibility is contained in Executive Order 12968,³ the U.S. Security Policy Board investigative standards and adjudicative guidelines implementing Executive Order 12968,⁴ and Director of Central Intelligence Directive 1/19.

Governmentwide standards and procedures for safeguarding SCI material are contained in Director of Central Intelligence Directive 1/19, Security Policy for Sensitive Compartmented Information and Security Policy Manual.

The EOP Security Office is part of the Office of Administration. The Director of the

Office of Administration reports to the Assistant to the President for Management and Administration. The EOP Security Officer is responsible for formulating and directing the execution of security policy, reviewing and evaluating EOP security programs, and conducting security indoctrinations and debriefings for agencies of the EOP. Additionally, each of the nine EOP offices we reviewed has a security officer who is responsible for that specific office's security program.

As discussed with your office, we reviewed EOP procedures but did not verify whether the procedures were followed in granting SCI access to EOP employees, review EOP physical security practices for safeguarding classified material, conduct classified document control and accountability inspections, or perform other control tests of classified material over which the EOP has custody. (See pages 8 and 9 for a description of our scope and methodology.)

EOP-WIDE PROCEDURES FOR ACQUIRING SCI

ACCESS SHOULD BE MORE SPECIFIC

The EOP Security Officer told us that, for the period January 1993 until June 1996, (1) he could not find any EOP-wide procedures for acquiring access to SCI for the White House Office, the Office of Policy Development, the Office of the Vice President, the National Security Council, and the President's Foreign Intelligence Advisory Board for which the former White House Security Office⁵ provided security support and (2) there were no EOP-wide procedures for acquiring access to SCI for the Office of Science and Technology Policy, the Office of the United States Trade Representative, the Office of National Drug Control Policy, and the Office of Administration for which the EOP Security Office provides security support. He added that there had been no written procedures for acquiring SCI access within the EOP since he became the EOP Security Officer in 1986. In contrast, we noted that two of the nine EOP offices we reviewed issued office-specific procedures that make reference to acquiring access to SCI—the Office of Science and Technology Policy in July 1996 and the Office of the Vice President in February 1997.

According to the EOP Security Officer, draft EOP-wide written procedures for acquiring access to SCI were completed in June 1996, at the time the White House and EOP Security Offices merged. These draft procedures, entitled Security Procedures for the EOP Security Office, were not finalized until March 1998. While the procedures discuss the issuance of EOP building passes, they do not describe in detail the procedures EOP offices must follow to acquire SCI access; the roles and responsibilities of the EOP Security Office, security staffs of the individual EOP offices, and the CIA and others in the process; or the forms and essential documentation required before the CIA can adjudicate a request for SCI access. Moreover, the procedures do not address the practices that National Security Council security personnel follow to acquire SCI access for their personnel. For example, unlike the process for acquiring SCI access in the other eight EOP offices were reviewed, National Security Council security personnel (rather than the personnel in the EOP Security Office) conduct the employee pre-employment security interview; deal directly with the CIA to request SCI access; and, once the CIA approves an employee for access, conduct the SCI security indoctrination and oversee the individual's signing of the SCI nondisclosure agreement.

Director of Central Intelligence Directives 1/14 and 1/19 require that access to SCI be controlled under the strictest application of

Footnotes at end of letter.

the need-to-know principle and in accordance with applicable personnel security standards and procedures. In exceptional cases, the Senior Official of the Intelligence Community or his designee (the CIA in the case of EOP employees) may, when it is in the national interest, authorize an individual access to SCI prior to completion of the individual's security background investigation.

At least since July 1996, according to the National Security Council's security officer, his office has granted temporary SCI access to government employees and individuals from private industry and academia—before completion of the individual's security background investigation and without notifying the CIA. He added, however, that this practice has occurred only on rare occasions to meet urgent needs. He said that this practice was also followed prior to July 1996 but that no records exist documenting the number of instances and the parties the National Security Council may have granted temporary SCI access to prior to this date. CIA officials responsible for adjudicating and granting EOP requests for SCI access told us that the CIA did not know about the National Security Council's practice of granting temporary SCI access until our review.

A senior EOP official told us that from July 1996 through July 1998, the National Security Council security officer granted 35 temporary SCI clearances. This official also added that, after recent consultations with the CIA, the National Security Council decided in August 1998 to refer temporary SCI clearance determinations to the CIA.

EOP HAS NOT ESTABLISHED PROCEDURES FOR SAFEGUARDING SCI MATERIAL

The EOP-wide security procedures issued in March 1998 do not set forth security practices EOP offices are to allow in safeguarding classified information. In contrast, the Office of Science and Technology Policy and the Office of the Vice President had issued office-specific security procedures that deal with safeguarding SCI material. The Office of Science and Technology Policy procedures, issued in July 1996, were very comprehensive. They require that new employees be thoroughly briefed on their security responsibilities, advise staff on their responsibilities for implementing the security aspects of Executive Order 12958, and provide staff specific guidance on document accountability and other safeguard practices involving classified information. The remaining seven EOP offices that did not have office-specific procedures for safeguarding SCI and other classified information stated that they rely on Director of Central Intelligence Directive 1/19 for direction on such matters.

EOP HAS NOT ESTABLISHED A SECURITY SELF-INSPECTION PROGRAM

Executive Order 12958 requires the head of agencies that handle classified information to establish and maintain a security self-inspection program. The order contains guidelines (which agency security personnel may use in conducting such inspections) on reviewing relevant security directives and classified material access and control records and procedures, monitoring agency adherence to established safeguard standards, assessing compliance with controls for access to classified information, verifying whether agency special access programs provide for the conduct of internal oversight, and assessing whether controls to prevent unauthorized access to classified information are effective. Neither the EOP Security Office nor the security staff of the nine EOP offices we reviewed have conducted security self-inspections as described in the order.

EOP officials pointed out that security personnel routinely conduct daily desk, safe,

and other security checks to ensure that SCI and other classified information is properly safeguarded. These same officials also emphasized the importance and security value in having within each EOP office experienced security staff responsible for safeguarding classified information. While these EOP security practices are important, the security self-inspection program as described in Executive Order 12958 provides for a review of security procedures and an assessment of security controls beyond EOP daily security practices.

INFORMATION SECURITY OVERSIGHT OFFICE HAS NOT CONDUCTED SECURITY INSPECTIONS OF EOP ACTIVITIES

Executive Order 12958 gives the Director, Information Security Oversight Office, authority to conduct on-site reviews of each agency's classified programs. The Director of the Information Security Oversight Office said his office has never conducted an on-site security inspection of EOP classified programs. He cited a lack of sufficient personnel as the reason for not doing so and added that primary responsibility for oversight should rest internally with the EOP and other government agencies having custody of classified material.

The Director's concern with having adequate inspection staff and his view on the primacy of internal oversight do not diminish the need for an objective and systematic examination of EOP classified programs by an independent party. An independent assessment of EOP security practices by the Information Security Oversight Office could have brought to light the security concerns raised in this report.

RECOMMENDATIONS

To improve EOP security practices, we recommend that the Assistant to the President for Management and Administration direct the EOP Security Officer to revise the March 1998 Security Procedures for the EOP Security Office to include comprehensive guidance on the procedures EOP offices must follow in (1) acquiring SCI access for its employees and (2) safeguarding SCI material and establish and maintain a self-inspection program of EOP classified programs, including SCI in accordance with provisions in Executive Order 12958.

We recommend further that, to properly provide for external oversight, the Director, Information Security Oversight Office, develop and implement a plan for conducting periodic on-site security inspections of EOP classified programs.

AGENCY COMMENTS AND OUR EVALUATION

We provided the EOP, the Information Security Oversight Office, and the CIA a copy of the draft report for their review and comment. The EOP and the Information Security Oversight Office provided written comments which are reprinted in their entirety as appendices I and II respectively. The CIA did not provide comments.

In responding for the EOP, the Assistant to the President for Management and Administration stated that our report creates a false impression that the security procedures the EOP employ are lax and inconsistent with established standards. This official added that the procedures for regulating personnel access to classified information are Executive Order 12968 and applicable Security Policy Board guidelines and Executive Order 12968 and Executive Order 12958 for safeguarding such information. The Assistant to the President also stated that the report suggests that the EOP operated in a vacuum because the EOP written security procedures implementing Executive Order 12968 were not issued until March 1998. The official noted that EOP carefully followed the President's

executive orders, Security Policy Board guidelines and applicable Director of Central Intelligence Directives during this time period. While EOP disagreed with the basis for our recommendations, the Assistant to the President stated that EOP plans to supplement its security procedures with additional guidance.

We agree that the executive orders, Security Policy Board guidelines, and applicable Director of Central Intelligence Directives clearly lay out governmentwide standards and procedures for access to and safeguarding of SCI. However, they are not a substitute for local operating procedures that provide agency personnel guidance on how to implement the governmentwide procedures. We believe that EOP plans to issue supplemental guidance could strengthen existing procedures.

The Assistant to the President also stated that it is not accurate to say that the EOP has not conducted security self-inspections. This official stated that our draft report acknowledges that "security personnel conduct daily desk, safe, and other security checks to ensure that SCI and other classified material is properly safeguarded." The Assistant to the President is correct to point out the importance of daily physical security checks as a effective means to help ensure that classified material is properly safeguarded. However, such self-inspection practices are not meant to substitute for a security self-inspection program as described in Executive Order 12958. Self-inspections as discussed in the order are much broader in scope than routine daily safe checks. The order's guidelines discuss reviewing relevant security directives and classified material access and control records and procedures, monitoring agency adherence to established safeguard standards, assessing compliance with controls for access to classified information, verifying whether agency special access programs (such as SCI) provide for the conduct of internal oversight, and assessing whether controls to prevent unauthorized access to classified information are effective. Our report recommends that the EOP establish a self-inspection program.

In commenting on our recommendation, the Assistant to the President said that to enhance EOP security practices, the skilled assistance of the EOP Security Office staff are being made available to all EOP organizations to coordinate and assist where appropriate in agency efforts to enhance self-inspection. We believe EOP security practices would be enhanced if this action were part of a security self-inspection program as described in Executive Order 12958.

The Director, Information Security Oversight Office noted that our report addresses important elements of the SCI program in place within the EOP and provides helpful insights for the security community as a whole. The Director believes that we overemphasize the need to create EOP specific procedures for handling SCI programs. He observed that the Director of Central Intelligence has issued governmentwide procedures on these matters and that for the EOP to prepare local procedures would result in unnecessary additional rules and expenditure of resources and could result in local procedures contrary to Director of Central Intelligence Directives. As we discussed above, we agree that the executive orders, Security Policy Board guidelines, and applicable Director of Central Intelligence Directives clearly lay out governmentwide standards and procedures for access to and safeguarding of SCI. However, they are not a substitute for local operating procedures that provide agency personnel guidance on how to implement the governmentwide procedures.

The Director agreed that his office needs to conduct on-site security inspections and

hopes to begin the inspections during fiscal year 1999. The Director also noted that the primary focus of the inspections would be classification management and not inspections of the SCI program.

SCOPE AND METHODOLOGY

To identify EOP procedures for acquiring access to SCI and safeguarding such information, we met with EOP officials responsible for security program management and discussed their programs. We obtained and reviewed pertinent documents concerning EOP procedures for acquiring SCI access and safeguarding such information.

In addition, we obtained and reviewed various executive orders, Director of Central Intelligence Directives, and other documents pertaining to acquiring access to and safeguarding SCI material. We also discussed U.S. government security policies pertinent to our review with officials of the Information Security Oversight Office and the U.S. Security Policy Board. Additionally, we met with officials of the CIA responsible for adjudicating and granting EOP employees SCI access and discussed the CIA procedures for determining whether an individual meets Director of Central Intelligence Directive eligibility standards.

As discussed with your office, we did not verify whether proper procedures were following in granting SCI access to the approximately 840 EOP employees identified by the EOP Security Officer. Also, we did not review EOP physical security practices for safeguarding SCI and other classified material, conduct classified document control and accountability inspections, or perform other control tests of SCI material over which the EOP has custody.

We performed our review from January 1998 until August 1998 in accordance with generally accepted government auditing standards.

At your request, we plan no further distribution of this report until 30 days after its issue date. At that time, we will provide copies to appropriate congressional committees; the Chief of Staff to the President; the Assistant to the President for Management and Administration; the Director, Information Security Oversight Office; the Director of Central Intelligence; Central Intelligence Agency; the U.S. Security Policy Board; the Director of the Office of Management and Budget; and other interested parties.

Please contact me at (202) 512-3504 if you or your staff have any questions concerning this report. Major contributors to this report were Gary K. Weeter, Assistant Director, and Tim F. Stone, Evaluator-in-Charge.

Sincerely yours,

RICHARD DAVIS,
Director, National Security Analysis.

FOOTNOTES

¹ The "need-to-know" principle is a determination made by an authorized holder of classified information that a prospective recipient requires access to specific classified information in order to perform a lawful and authorized function. The prospective recipient shall possess an appropriate security clearance and access approval in accordance with Director of Central Intelligence Directive 1/14.

² The SCI nondisclosure agreement establishes explicit obligations on the government and the individual to protect SCI.

³ Executive Order 12968, Access to Classified Information, (Aug. 2, 1995).

⁴ U.S. Security Policy Board, Adjudicative Guidelines for Determining Eligibility for Access to Classified Information, Investigative Standards for Background Investigations for Access to Classified Information, and Investigative Standards for Temporary Eligibility for Access (Mar. 24, 1997).

⁵ The White House Security Office was abolished on June 19, 1996. On this date, the EOP Security Office assumed responsibility for security support for the EOP offices previously supported by the White House Security Office.

APPENDIX I—COMMENTS FROM THE ASSISTANT TO THE PRESIDENT FOR MANAGEMENT AND ADMINISTRATION

THE WHITE HOUSE,
Washington, September 23, 1998.

Mr. Richard Davis,
Director, National Security Analysis National Security and International Affairs Division,
Washington, DC.

DEAR MR. DAVIS: We are writing in response to your September 11, 1998 letter and draft report for the Executive Office of the President (EOP), *Procedures for Acquiring Access to and Safeguarding Intelligence Information*. Unfortunately, the GAO report creates the false impression that the security procedures employed at the EOP are lax and inconsistent with established standards. Nothing could be further from the truth. In fact, as the evidence provided to the GAO makes abundantly clear, EOP security officials are experienced professionals who have executed their responsibilities diligently and with great attention to detail.

The GAO report also implies that these experienced professionals have not fulfilled their obligations under the law. This is completely unsupported by any reading of the facts. The extensive information provided by the EOP to the GAO auditors plainly demonstrates that the EOP has conscientiously abided by security precautions.

The EOP has made available to the GAO audit team reviewing EOP security procedures key personnel and relevant documents. In fact, the General Counsel of the Office of Administration and the EOP Security Office Chief have personally devoted a substantial number of hours to facilitate the GAO's audit. Numerous other EOP officials have also devoted significant amounts of time to assist the GAO auditors.

After the submission of hundreds of pages of documentation, more than ten meetings with the GAO auditors and more than ten individual interviews with EOP entities, the report still contains errors and statements that generate mis-impressions. It is our hope that the GAO will make the appropriate corrections to the report prior to its submission to the Congress.

In short, the EOP has established procedures for regulating personnel access to classified information; also, the EOP has a rigorous program, administered by career professional security officers, to safeguard classified information. The procedures in question are contained in E.O. 12968 and applicable Security Policy Board (SPB) guidelines. The safeguards in question are also contained E.O. 12958.

The report suggests that the EOP, and its constituent entities, operated in a vacuum because the EOP written security procedures implementing E.O. 12968 were not issued until March 1998. In fact, the EOP carefully followed the authoritative guidance set forth in the President's Executive Orders, SPB guidelines, and applicable Director of Central Intelligence Directives (DCI/Ds) throughout this time period. The President's Executive Orders are the cornerstones of the EOP's security programs and provide the basis for the adjudication of access to classified information, with or without subsequent guidelines. The EOP has found that the Executive Orders and SPB guidelines provide clear guidance that has been implemented with care in order to safeguard classified information and regulate access to it.

With respect to the draft report's comments relating to temporary SCI clearances, during the period July 1996 through July 1998, the NSC Security Officer, a professional career security officer on detail, granted 35 temporary SCI clearances subject to issuance by the CIA of a final SCI clearance.

Before considering issuance of a temporary SCI clearance, the Security Officer conducted a thorough review of available background information from the completed SF-86, obtained the results of the FBI name check, and received a progress report from the FBI when the background check was substantially completed. Only if this careful examination revealed no derogatory information would a temporary clearance be granted. Although this process has been implemented successfully with no adverse indications, the NSC decided in August 1998, after consultations with CIA Headquarters personnel and with a view towards simplifying this process, to refer temporary SCI clearance determinations to CIA Headquarters.

The headline for the section of the draft report on self-inspections—EOP HAS NOT CONDUCTED SECURITY SELF-INSPECTIONS—is simply not accurate. Indeed, the draft report acknowledges that "security personnel conduct daily desk, safe, and other security checks to ensure that SCI and other classified material is properly safeguarded." The EOP operates consistently with the self-inspection guidelines issued by the Information Security Oversight Office pursuant to E.O. 12958 for safeguarding classified information, which is the primary focus of this draft report.

The GAO report includes three recommendations. One of the three recommendations included in the GAO report is that the EOP "initiate a self inspection program." As we have stated and supported on numerous occasions to the GAO auditors, our current self-inspection practices are effective. Nevertheless, we are continuing our efforts to enhance EOP security practices. We have made available to all EOP organizations the skilled assistance of our EOP security office staff to coordinate and assist where appropriate in agency efforts to enhance self-inspection.

The GAO also recommends that we revise the Security Procedures for the EOP Security Office to include "comprehensive guidance" on "acquiring SCI access" and "properly safeguarding SCI material." In fact, the EOP Security Procedures do include comprehensive guidance. As we pointed out to the GAO auditors on several occasions, paragraph 10 (c) of the Security Procedures incorporates by reference guidance for obtaining SCI access. Although we disagree with the basis for the GAO recommendation, we have initiated an effort to supplement the Security Procedures with additional guidance.

Finally, the draft report recommends that the Information Security Oversight Office conduct periodic on-site reviews of the EOP security process. We stand ready to work with the ISOO in any such undertaking.

We would like to request a meeting with the GAO auditors to discuss the issues raised in this letter in addition to other technical corrections to the GAO report. If there is anything that I or any member of my staff, can do to be of assistance, please feel free to contact Mark Lindsay (202) 456-3880.

Sincerely yours,

VIRGINIA M. APUZZO,
Assistant to the President for Management and Administration.

GAO COMMENT

The following is our comment to the Assistant to the President for Management and Administration's letter dated September 23, 1998.

1. A representative of the EOP told us that the errors referred, for example, to statements in GAO's draft report that the EOP does not conduct self-inspections and that the EOP lacks written procedures.

APPENDIX II—COMMENTS FROM THE
INFORMATION SECURITY OVERSIGHT OFFICE
INFORMATION SECURITY OVERSIGHT
OFFICE, NATIONAL ARCHIVES AND
RECORDS ADMINISTRATION,

Washington, DC, September 18, 1998.

Subject comments on General Accounting Office (GAO) report "Executive Office of the President: Procedures for Acquiring Access to and Safeguarding Intelligence Information".

Mr. Richard Davis,

Director, National Security Analysis, National Security and International Affairs Division, U.S. General Accounting Office, Washington, DC

DEAR MR. DAVIS: Thank you for the opportunity to comment on the subject draft GAO report. It addresses important elements of the Sensitive Compartmented Information (SCI) program in place within the Executive Office of the President (EOP) and provides helpful insights for the security community as a whole. The conclusions drawn in three areas of the report prompt the Information Security Oversight Office (ISOO) to offer the following comments.

(1) ISOO believes the draft report over-emphasizes the issuance of individual office and agency procedures for handling SCI. While Executive Order 12958 prescribes a uniform system for classifying, safeguarding, and declassifying national security information, the Director of Central Intelligence (DCI) prescribes the augmentation of those procedures for SCI, both under the Executive order and the DCI's statutory authorities. As noted in the report, the DCI has issued Government-wide standards and procedures for access to SCI and for safeguarding SCI with Director of Central Intelligence Directives (DCIDs) 1/14 and 1/19, respectively.

Most executive branch agencies rely upon the DCIDs exclusively as their security procedures documents for SCI. Rather than generating others. Requiring agencies to generate additional procedures documents for SCI would result in unnecessary additional rules and expenditure of resources, and could result in procedures contrary to the DCIDs, particularly, if the DCI does not review and approve them. Ensuring that EOP offices and executive branch agencies have ready access to the DCIDs could alleviate concerns about the need for detailed procedures in each office and agency.

(2) Several factors have prevented ISOO from conducting compliance inspections for the past several years. These include the drafting and implementing of E.O. 12958, with its increased functions for ISOO. At the same time, the size of ISOO's staff has decreased by one-third to the point where its total professional and clerical staff numbers 10 people. Nevertheless, we agree that ISOO needs to be conducting inspections and we hope to do so during fiscal year 1999.

Your report suggests, however, that ISOO's inspections would cover SCI as it relates both to the issuance of SCI clearances and the safeguarding of SCI information. These areas would never be the primary or even secondary focus of ISOO's compliance inspections. First, ISOO does not have any jurisdiction over the personnel security (clearance) system. Second, ISOO's primary concern in classification management would not ordinarily focus on the SCI program. In other words, external oversight of the EOP's SCI programs would only coincidentally result from increased ISOO inspections.

(3) Finally, your report raises concerns about the granting of interim clearances for SCI access at the National Security Council (NSC). While we share the report's concerns about the possibility for abuse in this area, we also recognize and understand the NCS's

responsibilities to the President. With respect to information generated by the Intelligence Community, having appropriately cleared individuals on the job in a timely manner is essential. Because the SCI program is so large and widely dispersed across the government, ISOO understands the NSC's need to have the ability to grant interim clearances, under specific conditions, so that individuals can perform their duties. Property managing and controlling how these interim clearances are granted would be an important element of oversight. Your report suggests that the DCI is addressing this issue with the NSC.

Please call me on 202-219-5250 if you have any questions concerning our comments on your draft report. Again, we appreciate the opportunity to comment.

Sincerely,

STEVEN GARFINKEL.

Director.

Mr. PAYNE. Mr. Speaker, I rise in adamant opposition to this resolution and to the travesty of justice we are witnessing here today. From the time the voters of America put this President in office six years ago, his enemies have led a frenzied crusade to reverse the results of the electoral process and to subvert the will of the American people.

They have stopped at nothing. What began as an investigation into an investment the President and First Lady made in Arkansas well over a decade ago has mushroomed into a frantic search to find something—anything—to bring this presidency down. The free-ranging, unbridled hunt for damaging information about the President has resulted in the expenditure of millions of tax dollars; it has featured the doctoring of tapes by Republicans; a so-called "Independent" Counsel whose office resorts to bullying, threats and intimidation; a mad rush to put the report of the Counsel on the internet without giving the President the basic right to review the charges against him; the release of the President's videotaped grand jury testimony again with total disregard to his rights, and now the push to expand the inquiry into areas which have already been thoroughly investigated.

Do we really want to turn this nation into a police state where enemies of the President, in pursuit of a political agenda, have the power to restrict individual freedoms and intimidate citizens?

The vast majority of my constituents have told me they are ready to forgive the President for making a mistake in his personal conduct. It is time to move on to the pressing issues facing our nation—education, health care reform, protection of social security, and continued economic growth. I urge my colleagues to put a stop to this partisan, out-of-control vendetta and to take care of the real business of the American people.

Mr. JOHNSON of Texas. Mr. Speaker, today is a solemn day. The Congress has considered an impeachment inquiry only two other times in our Nation's history. It is not a task that we take lightly.

I believe it is our constitutional duty to begin an impeachment inquiry based on the evidence delivered to the Judiciary Committee by Judge Starr.

I believe that the Chairman of the Judiciary Committee, HENRY HYDE, has been committed to a fair and judicious process, and we will continue to follow his lead.

Article 2, section 1 of our Constitution contains the oath of office that the President must

take before entering office. It states: "I do solemnly swear (or affirm) that I will faithfully execute the Office of the President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

This body voted today to investigate whether the President has broken this oath by committing perjury and obstructing justice.

I, too, took an oath to uphold the Constitution when I entered the military and I have taken that oath as a State representative and as a U.S. Congressman. Each time, I took it as a serious obligation.

The American people deserve answers to the many questions about the conduct of this President and today we have begun the process of finding those answers.

Mrs. FOWLER. Mr. Speaker, I rise today with a heavy heart to support the resolution calling for an impeachment inquiry against the President, William Jefferson Clinton.

While the actions and evidence that have led us here today are deplorable, the action we are taking here today as a result is noble. It is in the finest tradition of our democracy that the process of impeachment begins.

We have heard much discussion today of the Constitution. We heard quotes from James Madison and the Federalist Papers. All that is certainly important in this debate. But our constituents have a voice in this process too, and I received a letter from one last week that I think puts all this in perspective. It's from a 6-year old boy in Jacksonville, Florida.

He writes, "Someday in my mind I hope we get a better President. I want to have a President that tells the truth. Even I think I could be a better President than this man."

There was a day when our children aspired to be President. Now, the children in my district aspire to be better than the President.

The Judiciary Committee, and this House, are about to begin a mission for the truth. But as we undertake the official process that is laid out in the Constitution, I hope we will also begin the process of healing our nation.

They said the truth is a liberating thing. It is only through a successful search for the truth that our nation can liberate itself from this scandal. To sweep it under the rug, would be to leave it to fester under the fiber of our democracy and to eat away at the rule of law.

Yes, we all want to put this behind us, but, as the Constitution requires, and our conscience dictates, we must proceed with this inquiry to do that.

I urge my colleagues to support the resolution.

Mr. FRELINGHUYSEN. Mr. Speaker, today I urge my colleagues to vote in favor of the House Judiciary Committee's recommendation to open an impeachment inquiry into the conduct of President Clinton.

I certainly understand the desire of all Americans, myself included, to be done with this matter and to return our attention to many serious issues that confront our country at home and abroad. And let me say quite frankly, I, like many of my colleagues, resent the fact that the President's actions have brought us to this Constitutional crisis. Given the serious charges leveled against the President including testifying falsely under oath, obstruction of justice, and witness tampering among others, I believe this inquiry is warranted.

Our inquiry has everything to do with the President's ability to lead our country. He is

our Commander-in-Chief, as well as the chief architect of American foreign policy and our domestic welfare. The President symbolizes to our nation and the rest of the world what it is to be an American. For these very reasons we need to be certain of the President's conduct, and whether his wrongdoing warrants penalty. Our President must command the moral authority to lead this great nation, especially in the critical times of crisis. And whether it be an issue of national security, or as a role model for our children, our nation cannot afford to question the President's decisions or doubt his sincerity, which many of us do now. We may disagree politically, but every American must be convinced the President's leadership decisions are genuine. I for one, want more from my President than feigned anger and forced contrition. I want the truth that this inquiry seeks.

As recommended by the Judiciary Committee, the process by which this inquiry will be undertaken is the very same model used in the Watergate impeachment inquiry. While the Democrats on the Judiciary Committee did not support this particular model, I think it is important to note that they did support an inquiry, albeit a more limited one with a fixed timeframe for consideration.

There is no more serious obligation given to us under the Constitution than to uphold the rule of law and protect the integrity of the highest offices of our government. The charges against President Clinton cannot simply be ignored. We have a process for resolving them as prescribed by the Constitution and the House will not proceed in a Constitutionally sound and orderly fashion and do so as expeditiously as possible.

The seriousness of Congress' duty to consider this issue is best stated by Judiciary Committee Chairman Peter Rodino of New Jersey in 1974, who said during the impeachment hearings of President Nixon, "we cannot turn away, out of partisanship or convenience, from problems that are now our responsibility, our inescapable responsibility to consider. It would be a violation of our own public trust if we, as the people's representatives, chose not to inquire, not to consult, not even to deliberate."

Mr. Speaker, the President has already admitted to violating the public's trust by lying to the American people, his family, supporters and Cabinet. We cannot let it happen again. It is our duty to restore that trust in the Presidency by approaching this inquiry with a commitment to fairness, and an unshakable dedication to seek the truth.

If it is proven the President of the United States lied under oath, obstructed justice and urged others to do the same, he has forsaken the oath he took when he became our President. Under those circumstances, removal from office is no longer a question. But to come to that conclusion, this Congress and the American people must be satisfied by the fairness and thoroughness of our deliberations.

As the House proceeds, I like all Members, must reserve final judgment on the appropriate action until all the evidence is carefully reviewed and judiciously weighed.

So today, I say let us begin. Let us open the impeachment inquiry of President Clinton.

Mr. MORAN of Virginia. Mr. Speaker, whether this House votes today for the Democratic alternative, which I prefer, or the resolu-

tion that was reported from the House Judiciary Committee, which I will vote for when the alternative fails, this much is clear:

The guiding purpose of this inquiry must be to obtain the truth. We must conduct this inquiry in order to give the President the opportunity to acquit himself. And we must conduct this inquiry in a manner that brings honor to this institution, and that keeps faith with the Constitution that we are sworn to uphold.

I don't know, Mr. Speaker, what the outcome of the Committee's inquiry will be. I share the hope that I think all fair-minded Americans hold that the President will emerge from this process exonerated and able to renew his effective service. The Congress will carry a heavy burden to show that the President has conducted impeachable offenses, and that the results of two elections should be overturned.

But I do know that if we fail to move forward today, we will not be serving the best interests of the President, or, much more importantly, of our nation.

Mr. KOLBE. Mr. Speaker, with a heavy heart but a clear conscience, I will vote today to authorize the House Judiciary Committee to proceed with a formal inquiry that could lead to the impeachment of President Clinton.

The President's personal indiscretions, which he himself has essentially acknowledged, are not at issue. What is at issue are allegations of perjury, conspiracy to commit perjury, and obstruction of justice, both in a sworn deposition in the Paula Jones sexual harassment lawsuit and in sworn testimony before a federal grand jury. Judge Starr has suggested that there are eleven instances in which there is substantial and credible evidence of perjury, subornation of perjury and obstruction of justice. The Judiciary Committee has suggested there may be as many as fifteen separate charges that warrant investigation. These are serious charges; the underlying behavior which may have led to these charges is important, but not central to the charges themselves. If proven true, these charges could constitute grounds for the President's impeachment and removal from office. In the meantime, Congress bears the burden of proof and the President is entitled to a presumption of innocence.

While I have not supported President Clinton politically in his election campaigns, I have always tried to work with him and his Administration in a bipartisan manner and for the good of the country. I hope we can all put aside partisanship, maintain the proper decorum and avoid a rush to judgment. Removing a President from office is the most serious step any Congress can ever take since it sets aside the decision made by the voters. It has never happened before in 220 years of our history, and it must never be done lightly.

However, ours is a nation governed by the rule of law, not the rule of men. No person may be above the law, including—or perhaps especially—the Chief Executive of our country. Congress must carry out its constitutional responsibilities in a fair and dignified manner. As a potential "grand juror" who may be required to vote on Articles of Impeachment, I will maintain the highest degree of objectivity and consider fairly all the evidence ultimately gathered by the Judiciary Committee.

Mr. PACKARD. Mr. Speaker, I would like to encourage my Colleagues to vote in favor of proceedings to further investigate President Clinton on the charges brought against him.

Our entire system of law is based on a sound understanding that we must live by truth. Today we are casting a vote that defines every principal of which our Constitution was written; truth, justice, and equality.

This is not a vote for or against Bill Clinton. This is a vote for the truth. We must allow justice to be fairly served. I took an oath to defend the Constitution and ensure that no person is above the law, even if that person is the President. This is not a choice, it is a duty.

Mr. Speaker, this is a sad day for America. No one enjoys this. The President of the United States stands accused of committing serious felonies. Congress must fulfill its duty to fully investigate these charges, not just for the sake of reaching the truth, but for the sake of our country.

Ms. WATERS. Mr. Speaker and Members of Congress, the decision of the Republicans to limit the debate on this important resolution and to decide whether or not this body will move an inquiry to impeach President Clinton, is a continuation of the partisan, unfair, and inconsiderate actions that have dictated the management of this impeachment crisis ever since Independent Counsel Ken Starr dumped his referral in the laps of this Congress and the public.

This continuous, shameless, and reckless disregard for the Constitution and basic civil rights cannot be tolerated by the citizens of this country. This is a sad and painful day for all of us. The least we could do is handle this matter with dignity and fairness for everyone involved. Four-and-one-half years and \$40 million later, unnecessary subpoenas of uninvolved individuals, Mr. Starr's close relationships with groups and individuals with demonstrated hatred for the President taints the Independent Counsel's investigation. This Congress does not need a protracted, open-ended witch-hunt, intimidation, embarrassment and harassment. The tawdry and trashy pages of hearsay, accusations, gossip, and stupid telephone chatter do not meet the standards of "high crimes and misdemeanors."

The President's actions in this matter are disappointing and unacceptable, BUT NOT IMPEACHABLE! Mr. Schippers, the General Counsel for the Majority on the House Judiciary Committee, extended the allegations in search of something—anything that may meet the constitutional standards for impeachment. However, even the extended and added allegations do not comport with the Constitutional standard for impeachment.

It is time to move on! Reprimand or condemn the President—but let us move on! These grossly unfair procedures will only tear this Congress and this nation apart. I ask my colleagues to vote down this open ended, unfair resolution presented today by the majority. It does not deserve the support of this House.

Mr. Speaker, Members of the Congressional Black Caucus have constantly warned this body about the dangers of a prosecutor run amuck. The Congressional Black Caucus has warned about the abuse of power by the Majority. We ask you to listen to us and we remind you of the history of our people who have struggled against injustice and unfairness.

Let us not march backwards. Let's be wise enough to move forward and spend our precious time working on the issues of education, health care, senior citizens issues, children's issues, and justice and opportunity for all Americans.

Mr. BORSKI. Mr. Speaker, I rise today in opposition to House Resolution #581, the Republican Impeachment Inquiry Resolution, in favor of the Alternative offered today. I cannot condone the behavior of the President; his actions have been profoundly disappointing to the country. But, I believe that the investigation of whether or not his conduct should be the subject of impeachment is one that must be concluded quickly and responsibly.

The resolution offered today will start an inquiry that is open-ended and not limited in any fashion, not even to the Referral by Independent Counsel Kenneth Starr. This inquiry has the potential to last many months, if not years, and into the next Congress. The American people have urged this House to come to a conclusion, and the resolution offered today ignores this plea. Instead of coming to a concise and thoughtful resolution, the Republican party has instead brought forth a plan that is illogical, without direction, and indefinite in length and scope.

Mr. Speaker, we need to heed the call of the American public and resolve this painful conflict as soon as possible. The basic tenet that we should focus on is do the facts brought to us by Independent Counsel Kenneth Starr demand impeachment? If we assume that Kenneth Starr is a competent attorney, and the evidence brought forth is fact, then we should get on with the business of examining that evidence in the light of the Constitution and what our founding fathers deemed impeachable.

I believe that the only way that we, as a body, can properly do this is by focusing the scope of the inquiry to the matter actually before us in the Referral from the Independent Counsel. This is precisely what the offered Alternative does. It would produce a proceeding that is fair, and one that would open with a consideration of the constitutional standard for impeachment. Once these standards are determined, the facts of the case would be examined and held in comparison.

Congress needs to return its focus and attention back to the business of the nation. This process should not stand between the problems facing this country and our ambition to solve them. There are many issues—such as saving Social Security, passing a Patient's Bill of Rights, saving our environment for future generations, and ensuring that all children attending school are given the tools to succeed—that are floundering by the wayside as we continue to focus our energies on this drawn out process. I believe that the only way we can return to work on these imperative issues is by bringing an expeditious conclusion to the inquiry by the end of the year.

An inquiry that is deliberate, grounded in the Constitution, and removed from partisan politics is the only way that we can bring this country the resolution that it craves. In the House of Representatives there is a process in place to deal with matters of presidential improprieties. As a Member of congress, I believe in this process and the importance of adhering to the appropriate steps. The charges against the President are serious, and they deserve serious consideration. Mr. Speaker, I rise in support of the Alternative to the Impeachment Inquiry Resolution because it is focused, fair, expeditious, and deliberate.

Ms. LEE. Mr. Speaker, I rise today to oppose H. Res. 581, the Republican resolution to begin impeachment proceedings regarding

the President of the United States. People have stated overwhelmingly, in a loud, clear and unified voice, that the Congress must not proceed with a long, open-ended, and partisan impeachment proceeding.

I have not, nor will I condone the President's behavior. He was wrong, and he should never have lied about his relationship with Monica Lewinsky.

Nevertheless, the prosecutor's investigation and the Congress' discussions and hearings about the President's behavior have been unfair from the start. As a result, I oppose the continuation of independent counsel Kenneth Starr's investigation—which has been a four-year, partisan effort to discredit the President—as well as any related investigations and inquiries. It should be noted that, despite the length of the investigation and the intense scrutiny of the President and his friends, Prosecutor Starr and the Republicans have come up largely empty-handed, except with regard to the President's behavior in the Monica Lewinsky matter. When the Starr investigation produced a now-infamous and, at times, pornographic report, I voted against the release of the Starr report because I felt the material to be unfair and inappropriate, and because the President and his lawyers did not have a chance to review the report before it was released to the public on the internet, and in all of the newspapers.

And so today, I oppose the Republican resolution to begin Presidential impeachment hearings: I strongly oppose any form of impeachment inquiry because I firmly believe that lying about a sexual affair does not constitute an impeachable offense, and because the investigation and the hearings are yet another political effort to undermine the President.

The allegations against the President do not constitute high crimes and misdemeanors. They certainly are not comparable to high crimes and misdemeanors like treason or bribery. Even more, the resolution creates a political circus on the national stage, with no limitations in scope and length, no controls, no definitions, and no justice. And worse still, the process itself is an attempt to overthrow our Democratic agenda; in other words, we are witnessing an attempted coup d'etat.

Today is a sad day for the country. We can only hope now that, despite the past weeks and months, the Congress will proceed quickly with an investigation that is fair and, especially, limited in scope and length. The American people have stated that we must move quickly and get on with the work we were elected to do. The real immorality and scandal in this country is that, because of this partisan process, we have not been able to do the important work of preserving social security, protecting our environment, educating our children, or ensuring health care reform.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong opposition to House Resolution 581, the impeachment inquiry resolution being considered today by the House of Representatives.

On a matter of procedure, I find it very disturbing that as the House is considering an impeachment inquiry resolution, under one of the most important powers the House has, I was not afforded an opportunity to speak before the House during the debate. There is no question of the importance of the power of the House to send articles of impeachment to the

Senate. Given the importance of this decision, there should have been adequate time provided for Members to debate the issue. That I must submit my statement for the record and not be given the opportunity to address my colleagues in person and my constituents via television speaks to the willingness of the majority to give this topic fair consideration.

I have read the independent counsel's report to the House of Representatives and found the conduct described by the allegations to be offensive and not what I expect from a President of the United States. However, I do not believe the conduct described, even if completely accurate, warrants impeachment. I nonetheless feel the House of Representatives needs to address the issue promptly.

Our country will not be well served by months of antagonistic debate, and I urge my colleagues to address the issue in a forthright manner. I am saddened by the President's conduct; his actions were totally inappropriate and should not be condoned.

Extensive news coverage of discussions on impeachment have made it more difficult to address important national issues which need our attention. The independent counsel has spent over \$40 million in investigating the President and has provided the House with tens of thousands of pages of materials. Much of the investigative work has been done and the facts are known.

We have the opportunity today to authorize an impeachment inquiry limited only by the voluminous records submitted to us and by the time constraints placed on our term of service by the U.S. constitution. Given the extensive investigation already conducted at taxpayer expense, the House now has a duty to act in a responsible manner, and I urge my colleagues to vote for the Democratic motion to commit the resolution to the Judiciary Committee with instructions.

Mr. OLVER. Mr. Speaker, the President's personal behavior was morally wrong and deeply disappointing, but this investigation has gone too far and is hurting the country, our families and our children. Congress is getting nothing done and has now embarked on an open-ended fishing expedition. We should hold the President accountable for his personal conduct, but then we should get back to the work that American families care about.

Today, I am voting for a fair, focused and expeditious inquiry into the Kenneth Starr impeachment report. The process I support is specifically designed to focus on the Independent Counsel's report and any other referrals from Kenneth Starr. It would also ensure that this matter would be behind us by the end of the year, the end of this Congress.

The Republican impeachment inquiry is designed to produce an investigation without an end—to drag it out until the presidential election in November 2000, two years from now.

The stark difference between the two approaches is clear.

The Democratic amendment is reasonably focused. The Republican resolution is unlimited. The Democratic amendment is fair. It requires an initial determination regarding the standard for impeachment and the sufficiency of the evidence to meet that standard. The Republican proposal is arbitrary—it requires no preliminary determinations whatsoever. The Democratic amendment is expeditious. The Republican resolution is endless. And, finally, the Democratic amendment is deliberate. It is

logical and removes partisanship from the process. The Republican resolution is totally political and reckless in nature.

Americans, by a large majority, are clearly saying they want the Congress to get back to issues like improving public education, protecting our social security system, guaranteeing patients' rights to quality health care, curbing teenage smoking, and reforming the way campaigns are financed.

We must get back to these critical issues, and we should do it as soon as possible.

Mr. UNDERWOOD. Mr. Speaker, I rise today to join my colleagues in expressing my concern about the allegation made by Kenneth Starr against the President of the United States. We are faced with an historical vote on whether to proceed with impeachment proceedings against the President.

While there is no doubt that the allegations against the President are serious, it is extremely necessary to examine them in a timely manner. The House Judiciary Committee should investigate the allegations, but should avoid extending the process beyond this Congress since stretching the time frame does not do justice to the President, unnecessarily drags the country through a painful process, and opens up the body to criticism that we are stretching this process out solely for political reasons.

Furthermore, this impeachment inquiry should be limited to the charges made by the independent counsel in his current report to the Congress. An open-ended inquiry, as proposed by the majority, is little more than a fishing expedition meant to dredge up more problems if they exist. As we all know, Kenneth Starr began this investigation about four and a half years ago with the Whitewater allegations, then moved on to the misuses of the FBI files, the firing of people in the Travel Office, the Paula Jones lawsuit and finally to the Monica Lewinsky matter. The Starr investigation over these years involved large amounts of time and money, and Starr's fishing expedition has resulted with his report to the Congress which is the subject of the resolution before us today.

As we embark on this journey, let us not forget that our predecessors have been down this path before. Over the course of American history, the House of Representatives has deliberated and in fact has impeached 15 individuals, including a President, 12 judges, a Senator, and a cabinet member. The process for impeachment, established by the Constitution of the United States, is a serious and wrenching one. It takes its toll on each and every one of us, as we undergo the accusation and finally the conviction procedures. President Andrew Johnson, the only President to have been impeached, was charged in 1867 with 11 articles of impeachment. President Johnson lost his case before the House; however, the Senate voted only three impeachment articles but failed to convict President Johnson by a razor-thin margin of one vote. Of the 15 individuals who were impeached by the House, only seven were convicted by the Senate. I raise this point only to stress the seriousness of the impeachment process and that we not turn the pending resolution on its head without equally serious debate on the merits of this case against President Clinton.

As a former teacher, I cannot resist the temptation of referring to the federalist papers in order to give us some insights as we decide

on some form of sanction against the President. In the Federalist Paper, Number One, written by Alexander Hamilton in 1787, he reminded us that in a great national discussion of whether the nation should adopt or reject the constitution, and I quote: "A torrent of angry and malignant passions will be let loose." Hamilton warned us about "the stale bait for popularity at the expense of public good." And finally, Hamilton noted: "... it will be equally forgotten, that the vigor of Government is essential to the security of liberty; that, in the contemplation of a sound and well-informed judgment, their interest can never be separated." I believe that we can learn from these lessons as we contemplate our constitutional responsibility to handle the Starr allegations.

I urge my colleagues to heed the words of Alexander Hamilton, that we use caution as we proceed with this inquiry, and above all, that we be fair to all parties involved. Let us support the reasonable and reasoned Boucher proposal.

Mr. Speaker, the people of Guam elected me to work on the pressing issues which affect their daily lives, like educational opportunities, access to quality health care, as well as access to employment and economic opportunities. We have serious worldwide economic difficulties in Asia which demand our attention.

We should investigate these charges, but we should be mindful of our responsibilities. Let's rise above partisanship as we deliberate on the difficult discourse pending before the Congress, let's conclude this inquiry expeditiously, and let's meet the challenge of improving the lives of the people who elected us to represent them in the United States Congress.

Mr. DAVIS of Florida. Mr. Speaker, we can all agree that the President's improper relationship was immoral and inexcusable. His actions represent a tremendous lapse of judgment which deeply troubles me and which has caused immense pain for his family and our entire Nation. Compounding these actions, the president clearly misled the American people—an act which has further torn the already tattered bonds of trust between citizens and elected officials. This is perhaps the highest price we will all pay for the self-centered actions of one man.

Over the past months, our Nation has struggled to make sense of this scandal, to find a fitting punishment for the President's actions, and to move forward with important matters facing our country. While many Americans would simply like this whole issue to be dropped, we as Members of this House have a Constitutional duty to fulfill. Therefore, today's debate is not about whether we should move forward with an inquiry. Sadly, after a thorough review of the Referral from the Independent Council, I believe that the allegations of potentially impeachable offenses compels us to do so. The question instead is how we should move forward to ensure that we conduct an inquiry that is fair, timely, and focused and which minimizes the potential risks to our country as a whole.

The structure of the inquiry is integral to preserving the integrity of the process. No one will be served by a process that is perceived as simply a partisan attempt to undo the results of the last election. That is why I wrote a letter to our distinguished colleague, Chairman HENRY HYDE, which sought to forge a bipartisan commitment to a focused impartial in-

quiry. At this point I would like to submit this letter for the RECORD.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary,
Washington, DC October 7, 1998.

DEAR CHAIRMAN HYDE: You have repeatedly expressed your desire to conduct a fair and impartial inquiry into whether the House should impeach the President. I know that you want and need bipartisan support for your motion to proceed with inquiry to substantiate the creditability of the inquiry.

Based on my review of the Referral from the Independent Council and the evidence released by your Committee, I believe that the House should continue with a more thorough inquiry as to the matters raised in the Referral. Therefore, I support your decision to proceed with a formal inquiry as to those matters. Mindful of the enormous cost to our nation and of the potential impact on the stability of our federal government, I nevertheless support an inquiry because I believe that the Referral raises serious allegations that must be further investigated as to the facts and carefully considered in view of the constitutional standards for impeachment. I further believe that we should finish this inquiry as soon as possible in order to minimize these potential hazards to our nation and I will support you in your commitment to try to conclude the inquiry before the end of this year.

However, I am deeply troubled by the comments of House Speaker NEWT GINGRICH and Majority Leader DICK ARMEY that a formal inquiry as to the matters raised in the Referral should be expanded to include the allegations against the President based on the Whitewater matter investigated by the Independent Council and possible allegations surrounding the White House Travel Office and FBI files. I believe the decision of the Independent Council not to include any of these matters in his Referral after his lengthy and exhaustive investigation reflects his view that no substantial and credible basis exists to justify considering impeachment based on any of these matters. Therefore, I conclude that it would be irresponsible to include any of these matters in the formal inquiry. Broadening the scope would serve no useful purpose, significantly expand the duration of the inquiry to the detriment of our nation, and undermine the essential integrity of the process.

I am writing to urge you to clearly unequivocally, and publicly commit not to expand the formal inquiry to include matters other than those raised in the Referral without first obtaining majority approval of the Members of the House voting to expand the scope on the basis that substantial and credible evidence exists as to these matters. With this commitment on your part, I, and I believe other like-minded Democrats, will join you in voting for a motion to proceed with a formal inquiry as to the matters raised in the Referral. Without such a commitment, I cannot, in good conscience, support a formal inquiry likely to include Whitewater and other matter already reviewed and apparently resolve by the Independent Council.

Thank you in advance for addressing these concerns.

Yours Truly,

JIM DAVIS.

While some may consider today's vote as simply an inevitable step in this ongoing investigation, I firmly believe that each step down the path towards removing a duly-elected President from office must be measured and deliberate. As I stated in my letter to Chairman Hyde, absent a clear commitment to limit the scope of the inquiry to the Referral of the Independent Council, I am deeply concerned

that it will devolve into a drawn-out, partisan investigation searching for possible impeachable offenses rather than an expedited, fair investigation examining the allegations presented to this body of possibly impeachable offenses.

For these reasons I rise in support of an impeachment inquiry as embodied in the Motion to Recommit and in opposition to the base resolution which is dangerously open-ended. Having consulted with Constitutional scholars, listened to the comments of my constituents, and search my conscience, I believe this is the course which best serves the interests of our Nation.

Mr. FAZIO of California. Mr. Speaker, today's proceeding is of such great historical importance, that it should be approached with a deep and abiding respect for the Congress, the Constitution and the Presidency.

We had the opportunity to develop a fair and responsible process that would protect not only the dignity of office of the Presidency, but create a precedent worth following. But the Republican majority has squandered it and by doing so has set in motion a process that is too much about partisanship and not enough about statesmanship.

It is more about election year defeat of political opponents than it is about what is right, just or fair.

The Republican proposal offers no limits on how long this partisan inquiry will go on, nor on how long Independent Counsel Kenneth Starr can drag up issues that he has had four years to bring to this House. Sadly there has been no willingness to limit the duration or scope of this resolution.

The Republican proposal moves ahead with an impeachment inquiry before the Judiciary Committee has even conducted a review of the facts and determined whether those facts constitute substantial and credible evidence. It lowers the threshold for which a President can be harassed and persecuted to the point of distraction from his Constitutional duties.

From now on, any Congress dissatisfied with the policies of a particular Administration or the personal behavior of any President, could simply conduct an ongoing, costly, and distracting inquiry designed to dilute the authority of the President.

But after the election when rationale behavior returns and cooler head can prevail, I urge us to forge a way to rise above the nasty politics that have clouded this body.

I will not be one of those of you who return to the next Congress. I leave hear after 20 years with my self respect in tact. I have reached across the lines within my own party and when necessary across the aisle to the other party to get things done for this country and make this House work.

I have fought partisan battles; I have stood my ground on issues that matter to my district. The American people expect that. But they also expect each of us to rise above the base political instincts that drive such a wedge through this House.

In the months ahead, we must find a way, my friends, to do what is right for America. Find a way to return this House to the people through a respect for law, for fairness and due process. In the end, we must do better than we will do today.

Mr. BEREUTER. Mr. Speaker, this Member would commend and ask his colleagues to consider carefully the following editorial from

the October 8, 1998, edition of the Omaha World Herald, entitled "A Broad Inquiry the Better Course."

[From the Omaha World Herald, Oct. 8, 1998]

A BROAD INQUIRY THE BETTER COURSE

The fate of William Jefferson Clinton is not the only concern that the Kenneth Starr investigation has raised for Congress and the nation. There is also the matter of dealing with Clinton's misbehavior in a way that demonstrates respect for the rule of law.

Democrats have tried to narrow the impeachment inquiry. Abbe Lowell, counsel for the Democrats on the House Judiciary Committee, contends that any case for impeaching Clinton consists of one basic allegation: "The president was engaged in an improper relationship which he did not want disclosed."

The position is designed to minimize Clinton's deceptions by casting them in effect as little white lies. If the Democrats could convince the House and the nation that "it was just sex," Clinton's chances of avoiding impeachment might be greater.

The approach of the Republicans on the Judiciary Committee had much more to commend it. They voted to recommend to the full House an open-ended inquiry, possibly into allegations unconnected to the Lewinsky affair. Presumably, the broader inquiry might include the firing of the travel office staff, the illegal possession by the White House of FBI files, the finding of a job for Webb Hubbell, the mysterious disappearance and reappearance of billing records and even illegal campaign fund raising, even though it was not part of Starr's mandate.

The Republicans' main concern is not the sex, but the lying under oath about it, the memory lapses about it, the exploitation of government employees to cover it up. David Schippers, a lifelong Democrat who is counsel for the Republicans on the Judiciary Committee, explained why Americans ought to be concerned. Clinton took the position that the Paula Jones lawsuit was bogus, Schippers noted. But the law gives a defendant no right to combat a bogus lawsuit by lying under oath.

"The principle that every witness in every case must tell the truth, the whole truth and nothing but the truth is the foundation of the American system of justice, which is the envy of every civilized nation," he said. "The sanctity of the oath taken by a witness is the most essential bulwark of the truth-seeking function of a trial, which is the American method of ascertaining the facts."

Schippers said that if lying under oath is tolerated, "the integrity of this country's entire judicial process is fatally compromised and that process will inevitably collapse." He said the individual circumstances of the case didn't matter. "It is the oath itself that is sacred and must be enforced," he said.

Americans ought to consider the consequences of letting the president's lying go unpunished. This isn't just that lovable rascal, the Comeback Kid, trying to escape another jam. This is the president of the United States defying one of the most important principles of the legal system: that the truth must be told when a person is under oath.

Mr. SKAGGS. Mr. Speaker, the vote today on an impeachment inquiry requires each of us to do our best to address without partisanship a matter laced with partisanship. It calls on each of us to set aside the passions of the moment, to be patriots, to act in the long-term interests of the American democracy, to uphold the Constitution. I pray for the wisdom to do so.

President Clinton has committed serious offenses against the American people, against the dignity of the office of the President, against the truth, and, probably, against the law.

How does the House of Representatives meet its constitutional responsibility in this grave matter today?

We are at an early stage of these proceedings, but we already have a fairly clear picture of the facts. To consider rejecting an impeachment inquiry at this early stage, we are obliged to construe the facts against the President and then test the facts against reasonable constitutional standards for impeachment. That's what I've attempted to do.

It's proper, given the gravity of the remedy of impeachment of a President, to set the standard for impeachable behavior at a comparable level of gravity. The level of proof of that behavior should be set commensurately high. And, finally, given the extraordinary nature of the impeachment remedy, there should be a substantial burden placed on proponents to justify its use. In other words, when in doubt, don't.

As to the question of what is an impeachable offense, it is evident from the Constitution, and from the writings and commentaries at the time, that abuse of office is the crux of the matter. Such an offense must involve serious injury or threat of serious injury to the Republic, on account of the actions of the President in the conduct of his office, or at least seriously undermining his ability to conduct himself in office.

It's unclear where to draw the limits of conduct to be treated as private for purposes of impeachment. But it is clear that the Framers did not intend everything a President does to be viewed as public or official. In my view, the conduct of President Clinton in this case originated in the private sphere and then was drawn into the public sphere. That happened largely because of the extraordinary use of a grand jury by the independent counsel, elevating or transforming the private to the public. The grand jury and that transformation are a device and a result not available in the case of any regular citizen, and available here only because the case involved the President.

Therefore, after careful review of the provisions of the Constitution, the writings and debate of the Framers, the precedents in prior impeachments, and the analysis of constitutional scholars, I have concluded that impeachment is not warranted in this case. The assumed offenses simply do not undermine the State in the way or to the degree required to constitute impeachable offenses.

It is possible that Mr. Starr may come forward with new information about other conduct by the President which will change my conclusion about impeachment. However, it strikes me as somewhat suspect that he waited until the eve of today's vote to suggest that there's more to come.

Today's vote has to be based on what is known, and reasonably to be inferred from what is known, today. On that basis, for the reasons I've stated, I conclude that proceeding further with an impeachment inquiry would serve no useful purpose because the conduct of the President—deplorable as it was—does not warrant impeachment.

The President's behavior, however, does warrant punishment. The good order of the Republic and a proper respect for the law demand that he be held to account and receive appropriate punishment.

While the President might well be advised to leave office voluntarily, it would be a profound mistake to use the impeachment power to remove the President from office involuntarily. Absent a resignation, and rejecting impeachment, other alternatives exist. Although none is perfect, they would be preferable to impeachment. A formal censure of the President, delivered in person before a joint session of Congress, together with a significant monetary penalty, would be serious punishment. To vindicate the rule of law, the President would remain liable to prosecution after leaving office, if warranted by evidence of criminal conduct—the same sort of prosecution any citizen might face for similar conduct.

My conclusion that punishment but not impeachment is the right course is also affected by an understanding of impeachment's enormous costs to the country. Those costs would be paid first in terms of political divisiveness, prolonged distraction from critical national and international problems, and a waste of the most precious resources of the democracy—time and trust. Later, the cost would come due in the harmful precedent we'll have set and its damage to proper constitutional standards and order. Those costs are excessive.

Mr. HYDE. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER. The gentleman from Illinois (Mr. HYDE) is recognized for 4 minutes.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Speaker, I am very sorry that the gentleman feels he is shortchanged in the debate. As the gentleman knows, under the rule and under the Rodino format, they were entitled to 1 hour. We doubled that. I did not think that was fair, but we could have gone on and on, and much of the same thing said over and over again. It would be too much for me to expect appreciation for doubling the time, but the hostility?

Let me suggest to Members who think this is going on like Tennyson's brook, just on and on and on, the 20th amendment to the Constitution says that "Congress shall assemble at least once in every year, and such meeting shall begin at noon on the third day of January."

□ 1415

We are out of business at the end of the year. Our money runs out. And if we are to continue, if there is anything to continue, we would have to reconstitute ourselves.

I do not want this to go one day longer than it has to. Believe me, this is very painful and I want it ended. We are not going to go on and on and on. But Mr. Rodino faced up to the problem of time limits and here is what he said. And why do you reject Mr. Rodino time and again in all of these issues?

He is our model. He is the one we are following. And here is what he said:

... the chairman recognizes, as the committee does, that to be locked in to such a date would be totally irresponsible and unwise; the committee would be in no position to state at this time whether our inquiry would be completed, would be thorough, so that we could make a fair and responsible judgment.

We are not flying by the seat of our pants. We are riding on Pete Rodino's shoulders. That is why we can see so far.

As far as standards are concerned, something that you have repeatedly brought up, let me quote from the wonderful report by the Rodino committee concerning the Nixon impeachment on the question of standards. Listen to Mr. Rodino:

Similarly, the House does not engage in abstract advisory or hypothetical debates about the precise nature of conduct that calls for the exercise of its constitutional powers; rather, it must await full development of the facts and understanding of the events to which those facts relate.

That is what we want to do, develop the facts through an inquiry. On with Mr. Rodino:

This memorandum offers no fixed standards for determining whether grounds for impeachment exist. The framers did not write a fixed standard. Instead, they adopted from English history a standard sufficiently general and flexible to meet future circumstances and events...

Thus spake Peter Rodino, and that is our model for this adventure, this excursion, this journey that we are on.

Now, look, this is not about sexual misconduct any more than Watergate was about a third-rate burglary. It was about the reaction of the Chief Executive to that event. Nixon covered it up and got in the direst of trouble.

The problem with the Clinton situation, President Clinton's situation, is a reaction which we believe and we want to find out, and if we do not get the information we will reject it, caused him to lie under oath. Now, lying under oath is either important or it is not. If some people can lie under oath and others cannot, let us find out. If some subjects are "lie-able" that is, you can lie about them, and others are not, let us fine tune our jurisprudence that way. But if the same law applies to everybody equally, that is the American tradition, and that is what we are looking at.

This has not anything to do with sex. It has a lot to do with suborning perjury, tampering with witnesses, obstructing justice, and perjury, all of which impact on our Constitution and on our system of justice and the kind of country we are.

The President of the United States is the trustee of the Nation's conscience. We are entitled to explore fairly, fully, and expeditiously the circumstances that have been alleged to compromise that position. We will do it quickly, we will do it fairly. We want to get this

behind us and behind the country and move on.

But it is our duty, it is an onerous, miserable, rotten duty, but we have to do it or we break faith with the people who sent us here.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. BOUCHER

Mr. BOUCHER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. BOUCHER. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BOUCHER moves to recommit House Resolution 581 to the Committee on the Judiciary with instruction to report the same back to the House forthwith with the following amendment:

Strike the first section and insert the following:

That (a)(1) The House of Representatives authorizes and instructs the Committee on the Judiciary (in this Resolution referred to as the "Committee") to take the following steps within the time indicated in order, fully and fairly, to conduct an inquiry and, if appropriate, to act upon the Referral from the Independent Counsel (in this Resolution referred to as "the Referral") in a manner which ensures the faithful discharge of the Constitutional duty of the Congress and concludes the inquiry at the earliest possible time, and, consistent with chapter 40 of title 28, United States Code, to consider any subsequent referral made by the Independent Counsel under section 595(c) of such title 28.

(2) The Committee shall thoroughly and comprehensively review the constitutional standard for impeachment and determine if the facts presented in the Referral, if assumed to be true, could constitute grounds for the impeachment of the President.

(b) If the Committee determines that the facts stated in the Referral, if assumed to be true, could constitute grounds for impeachment, the Committee shall investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach the President.

(c) If the Committee finds that there are not sufficient grounds to impeach the President, it shall then be in order for the Committee to consider recommending to the House of Representatives alternative sanctions.

(d) Following the conclusion of its inquiry, the Committee shall consider any recommendation it may commend to the House, including—

- (1) one or more articles of impeachment;
- (2) alternative sanctions; or
- (3) no action.

The Committee shall make such a recommendation sufficiently in advance of December 31, 1998, so that the House of Representatives may consider such recommendations as the Committee may make by that date.

(e) If the Committee is unable to complete its assignment within the time frame set out in subsection (d), a report to the House of Representatives may be made by the Committee requesting an extension of time.

The SPEAKER. Pursuant to the order of the House of today, the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the motion to recommit that I am pleased to offer this afternoon is well tailored to the challenge that we have before us. It offers a framework for a full and a fair review by the House Committee on the Judiciary and a full and a fair review by the House of Representatives.

It assures that we give deference to the historical constitutional standard for impeachment, which has evolved to this House over two centuries. It assures ample time to consider carefully any of the facts that are contained in the referral sent to us by the Office of Independent Counsel, which rise to that constitutional standard.

It assures that the entire matter will be resolved promptly and that the Nation is not distracted by a prolonged inquiry.

Some Members, Mr. Speaker, would prefer that there be no review. Some would have us investigate, for more than a year, a wide range of matters. The resolution that we are offering through this motion to recommit steers a middle course, a careful review limited to the materials that are now before us.

With the rules we offer, the House will discharge its constitutional obligations in a manner that is both thorough and expeditious. I urge the approval of this motion to recommit.

Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, the motion to recommit will correct several of the most egregious problems with this resolution. If the amendment is not accepted, we will be voting for an inquiry that cannot end. So long as people send allegations to the committee, the committee will inquire and go on and on and on.

The amendment establishes a reasoned approach by which we would consider the allegations before us and come to a conclusion. This amendment would add focus to the deliberations because some of the Starr allegations are not worth inquiring into. In fact, the Republican counsel found some of the allegations so flimsy that he did not even mention them during his presentation to our committee, and many constitutional scholars have already expressed the view that none of the allegations amount to impeachable offenses and the question is not even close.

Finally, Mr. Speaker, make no mistake about it. A vote for this amendment is not necessarily a vote for an inquiry, because some who are for an inquiry and others who are against any inquiry all agree that if we are going to have an inquiry, it ought to be fair.

Mr. BOUCHER. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri (Mr. GEPHARDT), the democratic leader.

The SPEAKER. The gentleman from Missouri (Mr. GEPHARDT) is recognized for 3 minutes.

(Mr. GEPHARDT asked and was given permission to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, it is almost a month to the day that we stood here and debated whether or not to release the materials that Ken Starr had sent to the Congress, and I tried to say at that time that this was a time of utmost importance, to us as a House of Representatives and to all of us as a people.

I said then and I repeat today that we are engaged now in what I believe to be a sacred process. We are considering whether or not to ultimately, if we get that far, overturn an election voted on by millions of Americans to decide who should be the chief executive officer of this country.

The last time we did this, Barbara Jordan, who I think really became the conscience of the period, said this, she said, "Common sense would be revolted if we engaged upon this process for petty reasons."

Congress has a lot to do. Pettiness cannot be allowed to stand in the face of such overwhelming problems.

She said, "So today we are not being petty. We are trying to be big, because the task before us is big."

I said the other day that this is a time to be bigger than we really are. We are all human. We all make mistakes. We all give in to pettiness and pride. We all give in to doing things wrong, for the wrong reasons. But this is a time when our Constitution and our people asked each of us to reach inside of ourselves, to be bigger and better than we really are.

In my view, we should not have two resolutions, or a resolution and an amendment out here today. I believe if we had succeeded in what we should be doing, we would have one resolution, agreed to by all 435 Members today.

The question is not whether to have an inquiry. The question today is what kind of inquiry will this be?

Our amendment is simple, and I think it is common sense. First, it says it must be focused. We operate under a statute that we passed from the independent counsel that said there could be referrals from the independent counsel on possible issues of impeachment, and we should take that up, and that is before us.

Our resolution says stick with those referrals. We listened to the complaints of the other side and we said, well, maybe there will be more referrals. So we have amended the language and we say if there are more referrals, we will deal with them as we should under the statute.

Second, it must be fair. The last time we had Watergate, the committee spent a good deal of time considering

the standards and the history of impeachment so that all the members of the committee and on the floor would understand the historic process that we are involved in. None of us do this often. We do not think about this very often, so it is vital and important that we all know what it is we are doing and whether or not the facts that are out there rise as a *prima facie* case. That has not been done in this case.

Third time, we say let us get it over by December 31, before the new Congress comes into session. Why do we say that? We say that because we believe deeply that for the good of the country and the good of our people, this must be done by the end of this year, before there is a new Congress.

Why do we say that? We say it because we live in a dangerous world. The world economy is in a shambles. Our own economy is threatened. Issues like education and health care and economics need to be on the front burner of this Congress. That is what we must be working on.

If we stay here for 3, 6, 9, 12 months, 2 years in suspended animation while we go over every charge that is out there, we will hurt our country and our people and our children.

□ 1430

Now, the gentleman from Illinois (Mr. HYDE) has said, and I believe him, that we should do this by the end of the year. But he also said New Year's promises sometimes get broken.

The gentleman from Illinois has said that we should not be on a fishing expedition, but others in the party, I have heard even leaders in the party, the Republican Party, say, well, we have to look at Travelgate, and we have to look at Filegate, and we have to look at campaign finance, and we have to look at the Chinese rocket sales.

And they say it again.

I really have thought a lot about this. I have really thought a lot about it. I have tried to think to myself, what is our problem, and I think I have identified it. Our problem is we do not trust one another.

The majority says that if they use our language, that we are not going to do what we say we are going to do; that we are going to drag it out; that we are going to try to frustrate the purpose of having this inquiry. And all I say is, we have put our words and our actions to follow that belief. We have said if there are other referrals, we will take them up. We have said that if we get to the end of the year and we need more time, that the majority can come to the floor and more time will be granted. The Republicans run the House.

But when we see the majority's resolution, we do not see trust. Because the words that we are looking for; that we are going to try to get this over by the end of the year; that we are going to try to stick with these referrals and not go into everything under the sun and drag it out for 2 years, and it will

be a 2-year political fishing expedition, those words are not there.

Finally, let me say this. We are all profoundly hurt by what the President has done. He has deeply disappointed the American people and he has let us all down. But this investigation must be ended fairly and quickly. It has hurt our Nation and it has hurt our children. We must not compound the hurt.

I have asked every Democratic Member in these last days, I have asked every Member to search their heart and their conscience and to vote for what in their heart and their mind and their conscience they think is right. And I come to the floor today to ask every Republican Member to do the same.

This should not be a party vote today. This should be the attempt of every one of us, humble human beings, who come to this majestic place, where we settle our differences peacefully and not with violence, to say that I am voting for what in my heart and my mind is the best for the country and the best for the American people.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion to recommit, and I yield 1 minute to the gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

As we consider the motion to recommit, I would ask that the Members of the House on both sides of the aisle step back and consider the fact that what is proposed in the motion to recommit is without any precedent. There is no case in the 200-year history of the impeachment process in this country in which a process similar to the process which is proposed here has been followed. None at all. And I believe that is something that we should take very seriously.

I believe we also have to be aware that if we adopt the motion to recommit, we are setting a precedent today, and I believe it would be a terrible precedent, that would be fraught with the potential for harm stretching far into the future of our country.

Now, consider the process that this motion sets up: First, we are required to assume the truth of allegations, which the President and his lawyers vigorously deny. I do not think that is the right thing to do. We should find out what the truth is.

But while we are following this process, we put aside the weighing and the balancing of the facts and the judging of the credibility of witnesses. Having put aside our duty to weigh the facts and find the truth, we are then called on to make a solemn determination concerning whether impeachable offenses, committed in the assumed facts, which are denied by the President, are at some later point determined to be true.

This simply does not make sense. It will only cause delay. It has never been done before and it should not be done now.

I would ask the Members of the House to reject this contrived, ill-conceived procedure in the motion to recommit. We need to follow the precedent established in 1974, the precedent that the gentleman from Missouri has asked us to follow. We should support the resolution recommended by the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the question before us in this motion to recommit is whether we should make ourselves slaves to the clock or attempt to find out the truth. And let there be no mistake about it, nobody's conduct is under investigation here but that of the President of the United States. And if he had not committed those things that the allegations have sent forth to us by the Independent Counsel, we would not be faced with discharging our awesome constitutional responsibilities.

This should not be a race against the clock. And do not take my word for it, take the word of a respected senior Democratic Member on the other side of the aisle, the gentleman from Indiana (Mr. LEE HAMILTON), who said yesterday, "I have had a lot of experience with investigations. Time limits create large incentives for delay." Do not give anybody an incentive to delay and string this out by establishing an arbitrary time limit.

Now, my friends on the other side of the aisle have said that this will be a never-ending investigation. They have not read the twentieth amendment to the Constitution of the United States. The 105th Congress goes out of business on January 3, 1999. This resolution expires with the 105th Congress and would have to be renewed by a vote of the House on the opening day of the 106th Congress. So all of the arguments over here have been about just 3 days. I think that the gentleman from Illinois (Mr. HYDE), in following the Rodino precedent, and just almost adopting the Rodino resolution word for word, has done the right thing.

February 6, 1974, was the last time this House of Representatives had to do the sacred duty of commencing an impeachment inquiry. The gentleman from Illinois has patterned this resolution after the resolution introduced by Chairman Peter Rodino of New Jersey. There was bipartisanship on the Republican side of the aisle in commencing an impeachment inquiry along exactly the same lines against a Republican President. That vote was 404 to 4. I would ask my Democratic friends to be as bipartisan today as the Republicans were back in 1974 by rejecting the motion to recommit and joining with us to discharge our constitutional duty.

Mr. Speaker, I move the previous question.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. BOUCHER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 198, nays 236, not voting 1, as follows:

[Roll No. 497]

YEAS—198

Abercrombie	Green	Oberstar
Ackerman	Gutierrez	Obey
Allen	Hall (OH)	Olver
Andrews	Hall (TX)	Ortiz
Baerles	Hamilton	Owens
Baldacci	Harman	Pallone
Barcia	Hastings (FL)	Pascarell
Barrett (WI)	Hefner	Pastor
Becerra	Hilliard	Payne
Bentsen	Hinchey	Pelosi
Berman	Hinojosa	Peterson (MN)
Berry	Holden	Pickett
Bishop	Hoolley	Pomeroy
Blagojevich	Hoyer	Poshard
Blumenauer	Jackson (IL)	Price (NC)
Bonior	Jackson-Lee	Rahall
Borski	(TX)	Rangel
Boswell	Jefferson	Reyes
Boucher	John	Rivers
Boyd	Johnson (WI)	Rodriguez
Brady (PA)	Johnson, E. B.	Roemer
Brown (CA)	Kaptur	Rothman
Brown (FL)	Kennedy (MA)	Roybal-Allard
Brown (OH)	Kennedy (RI)	Rush
Capps	Kennelly	Sabo
Cardin	Kildee	Sanchez
Carson	Kilpatrick	Sanders
Clay	Kind (WI)	Sandlin
Clayton	Kleczka	Sawyer
Clement	Klink	Schumer
Clyburn	Kucinich	Scott
Condit	LaFalce	Sherman
Conyers	Lampson	Sisisky
Costello	Lantos	Skaggs
Coyne	Lee	Skelton
Cramer	Levin	Slaughter
Cummings	Lofgren	Smith, Adam
Danner	Lowe	Snyder
Davis (FL)	Luther	Spratt
Davis (IL)	Maloney (CT)	Stabenow
DeFazio	Maloney (NY)	Stark
DeGette	Manton	Stenholm
Delahunt	Markey	Stokes
DeLauro	Martinez	Strickland
Deutsch	Mascara	Stupak
Dickey	Matsui	Tanner
Dicks	McCarthy (MO)	Tauscher
Dingell	McCarthy (NY)	Thompson
Dixon	McDermott	Thurman
Doggett	McGovern	Tierney
Dooley	McIntyre	Torres
Doyle	McNulty	Towns
Edwards	Meehan	Trafficant
Engel	Meek (FL)	Turner
Eshoo	Meeks (NY)	Velazquez
Etheridge	Menendez	Vento
Farr	Millender-McDonald	Visclosky
Fattah	Miller (CA)	Waters
Fazio	Minge	Watt (NC)
Ford	Mink	Waxman
Frank (MA)	Moakley	Wexler
Frost	Mollohan	Weygand
Furse	Moran (VA)	Wise
Gejdenson	Murtha	Woolsey
Gephardt	Nadler	Wynn
Gonzalez	Neal	Yates
Gordon		

NAYS—236

Aderholt	Biiley	Campbell
Archer	Blunt	Canady
Armey	Boehert	Cannon
Bachus	Boehner	Castle
Baker	Bonilla	Chabot
Ballenger	Bono	Chambliss
Barr	Brady (TX)	Chenoweth
Barrett (NE)	Bryant	Christensen
Bartlett	Bunning	Coble
Barton	Burr	Coburn
Bass	Burton	Collins
Bateman	Buyer	Combest
Bereuter	Callahan	Cook
Billray	Calvert	Cooksey
Billrakis	Camp	Cox

Crane	Jenkins	Radanovich	Barton	Granger	Paul	Dingell	Klink	Rahall
Crapo	Johnson (CT)	Ramstad	Bass	Greenwood	Paxon	Dixon	LaFalce	Rangel
Cubin	Johnson, Sam	Redmond	Bateman	Gutknecht	Pease	Doggett	Lantos	Reyes
Cunningham	Jones	Regula	Bereuter	Hall (TX)	Peterson (MN)	Dooley	Lee	Rivers
Davis (VA)	Kanjorski	Riggs	Bilbray	Hamilton	Peterson (PA)	Doyle	Levin	Rodriguez
Deal	Kasich	Riley	Bilirakis	Hansen	Petri	Edwards	Lewis (GA)	Rothman
DeLay	Kelly	Rogan	Billey	Hastert	Pickering	Engel	Lofgren	Roybal-Allard
Diaz-Balart	Kim	Rogers	Blunt	Hastings (WA)	Pickett	Eshoo	Lowey	Rush
Doolittle	King (NY)	Rohrabacher	Boehlert	Hayworth	Pitts	Farr	Luther	Sabo
Dreier	Kingston	Ros-Lehtinen	Boehner	Hefley	Pombo	Fattah	Maloney (NY)	Sanchez
Duncan	Klug	Roukema	Bonilla	Herger	Porter	Fazio	Manton	Sanders
Dunn	Knollenberg	Royce	Bono	Hill	Portman	Filner	Markey	Sandlin
Ehlers	Kolbe	Ryun	Boswell	Hilleary	Quinn	Ford	Martinez	Sawyer
Ehrlich	LaHood	Salmon	Brady (TX)	Hobson	Radanovich	Frank (MA)	Mascara	Schumer
Emerson	Largent	Sanford	Bryant	Hoekstra	Ramstad	Frost	Matsui	Scott
English	Latham	Saxton	Bunning	Horn	Redmond	Furse	McCarthy (MO)	Serrano
Ensign	LaTourette	Scarborough	Burr	Hostettler	Regula	Gejdenson	McDermott	Sherman
Evans	Lazio	Schaefer, Dan	Burton	Houghton	Riggs	Gephardt	McGovern	Skaggs
Everett	Leach	Schaffer, Bob	Buyer	Hulshof	Riley	Gonzalez	McKinney	Slaughter
Ewing	Lewis (CA)	Sensenbrenner	Callahan	Hunter	Roemer	Gordon	McNulty	Smith, Adam
Fawell	Lewis (GA)	Serrano	Calvert	Hutchinson	Rogan	Green	Meehan	Snyder
Filner	Lewis (KY)	Sessions	Camp	Hyde	Rogers	Gutierrez	Meek (FL)	Stabenow
Foley	Linder	Shadegg	Campbell	Inglis	Rohrabacher	Hall (OH)	Meeks (NY)	Stark
Forbes	Lipinski	Shaw	Canady	Istook	Ros-Lehtinen	Harman	Menendez	Stokes
Fossella	Livingston	Shays	Cannon	Jenkins	Roukema	Hastings (FL)	Millender	Strickland
Fowler	LoBiondo	Shimkus	Castle	John	Royce	Hefner	McDonald	Stupak
Fox	Lucas	Shuster	Chabot	Johnson (CT)	Ryun	Hilliard	Miller (CA)	Tanner
Franks (NJ)	Manzullo	Skeen	Chambliss	Johnson, Sam	Salmon	Hinchey	Mink	Thompson
Frelinghuysen	McCollum	Smith (MI)	Chenoweth	Jones	Sanford	Hinojosa	Moakley	Thurman
Galleghy	McCrery	Smith (NJ)	Christensen	Kasich	Saxton	Holden	Mollohan	Tierney
Ganske	McDade	Smith (OR)	Coble	Kelly	Scarborough	Hooley	Murtha	Torres
Gekas	McHale	Smith (TX)	Coburn	Kim	Schaefer, Dan	Hoyer	Nadler	Towns
Gibbons	McHugh	Smith, Linda	Collins	Kind (WI)	Schaffer, Bob	Jackson (IL)	Neal	Trafficant
Gilchrest	McInnis	Snowbarger	Combest	King (NY)	Sensenbrenner	Jackson-Lee	Oberstar	Velazquez
Gillmor	McIntosh	Solomon	Condit	Kingston	Sessions	(TX)	Obey	Vento
Gilman	McKeon	Souder	Cook	Klug	Shadegg	Jefferson	Olver	Visclosky
Gingrich	McKinney	Spence	Cooksey	Knollenberg	Shaw	Johnson (WI)	Ortiz	Waters
Goode	Metcalf	Stearns	Cox	Kolbe	Shays	Johnson, E. B.	Owens	Watt (NC)
Goodlatte	Mica	Stump	Cramer	Kucinich	Shimkus	Kanjorski	Pallone	Waxman
Goodling	Miller (FL)	Sununu	Crane	LaHood	Shuster	Kaptur	Pascrell	Wexler
Goss	Moran (KS)	Talent	Crapo	Lampson	Sisisky	Kennedy (MA)	Pastor	Wise
Graham	Morella	Tauzin	Cubin	Largent	Skeen	Kennedy (RI)	Payne	Woolsey
Granger	Myrick	Taylor (MS)	Cunningham	Latham	Skelton	Kennelly	Pelosi	Wynn
Greenwood	Nethercutt	Taylor (NC)	Danner	LaTourette	Smith (MI)	Kildee	Pomeroy	Yates
Gutknecht	Neumann	Thomas	Davis (VA)	Lazio	Smith (NJ)	Kilpatrick	Poshard	
Hansen	Ney	Thornberry	Deal	Leach	Smith (OR)	Klecza	Price (NC)	
Hastert	Northup	Thune	DeLay	Lewis (CA)	Smith (TX)			
Hastings (WA)	Norwood	Tiahrt	Diaz-Balart	Lewis (KY)	Smith, Linda			
Hayworth	Nussle	Upton	Dickey	Linder	Snowbarger			
Hefley	Oxley	Walsh	Doolittle	Lipinski	Solomon			
Herger	Packard	Wamp	Dreier	Livingston	Souder			
Hill	Pappas	Watkins	Duncan	LoBiondo	Spence			
Hilleary	Parker	Watts (OK)	Dunn	Lucas	Spratt			
Hobson	Paul	Weldon (FL)	Ehlers	Maloney (CT)	Stearns			
Hoekstra	Paxon	Weldon (PA)	Ehrlich	Manzullo	Stenholm			
Horn	Pease	Weller	Emerson	McCarthy (NY)	Stump			
Hostettler	Peterson (PA)	White	English	McCollum	Sununu			
Houghton	Petri	Whitfield	Ensign	McCrery	Talent			
Hulshof	Pickering	Wicker	Etheridge	McDade	Tauscher			
Hunter	Pitts	Wilson	Evans	McHale	Tauzin			
Hutchinson	Pombo	Wolf	Everett	McHugh	Taylor (MS)			
Hyde	Porter	Young (AK)	Ewing	McInnis	Taylor (NC)			
Inglis	Portman	Young (FL)	Fawell	McIntosh	Thomas			
Istook	Quinn		Foley	McIntyre	Thornberry			
			Forbes	McKeon	Thune			
			Fossella	Metcalf	Tiahrt			
			Fowler	Mica	Turner			
			Fox	Miller (FL)	Upton			
			Franks (NJ)	Minge	Walsh			
			Frelinghuysen	Moran (KS)	Wamp			
			Galleghy	Moran (VA)	Watkins			
			Ganske	Morella	Watts (OK)			
			Gekas	Myrick	Weldon (FL)			
			Gibbons	Nethercutt	Weldon (PA)			
			Gilchrest	Neumann	Weller			
			Gillmor	Ney	Weygand			
			Gilman	Northup	White			
			Gingrich	Norwood	Whitfield			
			Goode	Nussle	Wicker			
			Goodlatte	Oxley	Wilson			
			Goodling	Packard	Wolf			
			Goss	Pappas	Young (AK)			
			Graham	Parker	Young (FL)			

NOT VOTING—1

Pryce (OH)

□ 1455

Mr. WAXMAN changed his vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 258, noes 176, not voting 1, as follows:

[Roll No. 498]

AYES—258

Aderholt	Bachus	Barr
Archer	Baker	Barrett (NE)
Armey	Ballenger	Bartlett

Abercrombie
Ackerman
Allen
Andrews
Bailes
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich

NOES—176

Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton

Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks

NOT VOTING—1

Pryce (OH)

□ 1512

So the resolution was agreed to.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NOTICE OF INTENTION TO OFFER
RESOLUTION RAISING QUESTION
OF PRIVILEGES OF THE HOUSE

Mr. VISCLOSKEY. Mr. Speaker, Pursuant to House rule IX, clause 1, I rise to give notice of my intent to present a Question of Privilege to the House in the form and resolution as follows:

Mr. Speaker, the resolution reads as follows:

A resolution, in accordance with House Rule IX, clause 1, expressing the sense of the House that its integrity has been impugned because the antidumping provisions of the Trade and Tariff Act of 1930, (Subtitle B of Title VII) have not been expeditiously enforced;

Whereas the current financial crisis in Asia, Russia, and other regions have involved massive depreciation in the currencies of several key steel-producing and steel-consuming countries, along with a collapse in the domestic demand for steel in these countries;

Whereas the crises have generated and will continue to generate surges in United States imports of steel, both from the countries whose currencies have depreciated in the crisis and from steel-producing countries that are no longer able to export steel to the countries in economic crisis;

Whereas United States imports of finished steel mill products from Asian steel-producing countries, the People's Republic of